

GAME AND FISH

CHAPTER 202

HOUSE BILL NO. 1041
(Weber, Dick)

GAME AND FISH LAW REVISION

AN ACT to create and enact sections 4-01-17.1, 4-01-17.2, 4-01-17.3, 11-11-57, 11-11-57.1, 11-27-09.1, and title 20.1 of the North Dakota Century Code, relating to game, fish, predators, and boating; to amend and reenact sections 12-18-07 and 47-27-03 of the North Dakota Century Code, relating to laying out poison and forfeiture of hunting licenses; and to repeal title 20 and chapter 61-27 of the North Dakota Century Code, relating to game, fish, predators, and boating regulations.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1.) Section 4-01-17.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

4-01-17.1. STATE TO COOPERATE WITH FEDERAL BUREAU OF SPORT FISHERIES AND WILDLIFE AND OTHER AGENCIES IN DESTRUCTION OF PREDATORY ANIMALS, DESTRUCTIVE BIRDS, AND INJURIOUS FIELD RODENTS.) The commissioner of agriculture may cooperate with the United States department of the interior, bureau of sport fisheries and wildlife, in the control and destruction of: coyotes, wolves, bobcats, and foxes in this state that are injurious to livestock, poultry, and big and small game; injurious field rodents in rural areas; and certain nongame species of birds causing crop damage or substantial economic loss. This control and destruction must be approved by the game and fish commissioner. The commissioner of agriculture may enter into written agreements with the bureau of sport fisheries and wildlife and the game and fish commissioner covering the methods and procedures for the control and destruction of these birds and animals, the extent of supervision by either or both the commissioner of agriculture and the bureau of sport fisheries and wildlife, and the use and expenditure of the funds appropriated therefor by the legislative assembly. The commissioner of agriculture, in cooperation with the bureau of sport fisheries and wildlife, may enter into agreements with other governmental agencies and with counties, associations, corporations, or individuals when such cooperation is deemed to be necessary to promote the control and destruction of these birds and animals.

SECTION 2.) Section 4-01-17.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

4-01-17.2. EXPENDITURES AUTHORIZED - WHO TO APPROVE VOUCHERS - QUALIFICATIONS OF HUNTERS AND TRAPPERS HIRED - WHEN BOUNTIES NOT PAYABLE.) The commissioner of agriculture may make such expenditures from funds available for such purpose for equipment, supplies, and other expenses, including expenditures for personal services of hunters and trappers, as may be necessary to execute the functions imposed upon him by section 4-01-17.1. Hunters and trappers employed under section 4-01-17.1 shall be state residents, but shall not be entitled to bounty provided by state laws for the killing or extermination of these birds and animals. All vouchers for such expenditures made by the commissioner of agriculture shall be approved as to correctness by the duly authorized agent of the bureau of sport fisheries and wildlife.

SECTION 3.) Section 4-01-17.3 of the North Dakota Century Code is hereby created and enacted to read as follows:

4-01-17.3. DISPOSITION OF PROCEEDS OF FURS, SKINS, AND SPECIMENS TAKEN.) All furs, skins, and specimens taken by hunters and trappers paid out of funds appropriated to carry out section 4-01-17.1 shall be disposed of in a manner the commissioner of agriculture shall determine is in the state's best interests. If such furs, skins, or specimens are sold, the net proceeds of such sales shall be deposited with the treasurer to be credited to the general fund.

SECTION 4.) Section 11-11-57 of the North Dakota Century Code is hereby created and enacted to read as follows:

11-11-57. COUNTIES MAY COOPERATE IN PREDATORY ANIMAL AND INJURIOUS RODENT CONTROL.) Boards of county commissioners are hereby authorized to perform, within their respective counties, predatory animal, destructive bird, and injurious rodent control as defined in section 4-01-17.1, and to enter into cooperative agreements with the commissioner of agriculture and the United States department of the interior, bureau of sport fisheries and wildlife, for this purpose.

SECTION 5.) Section 11-11-57.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

11-11-57.1. FUNDS AVAILABLE FOR PREDATORY CONTROL.) In order to perform this bird and animal control, boards of county commissioners are authorized to make necessary expenditures from county special funds available for this purpose or from the county general or contingent funds.

SECTION 6.) Section 11-27-09.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

* 11-27-09.1. FEDERAL PAYMENTS FOR GAME AND FISH LANDS - ALLOCATION WITHIN COUNTY.) Payments made by the federal government under the provisions of public law 523 (88th U.S. Congress) [16 U.S.C. 716s] to any county in the state for lands taken by the federal government for game and fish management purposes shall be apportioned by that county's treasurer thusly: twenty percent shall be deposited in the county general fund, and eighty percent shall be apportioned among

*NOTE: Section 11-27-09.1 was further amended by section 1 of House Bill No. 1208, chapter 102.

the school districts in which the land taken is located in proportion to the number of acres taken in each such school district.

SECTION 7.) AMENDMENT.) Section 12-18-07 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

* 12-18-07. LAYING OUT POISON - PUNISHMENT - EXCEPTION.) Every person who shall lay out strychnine or other poison within the limits of any city, or within one mile of any dwelling house, barn, stable, or outbuilding used at the time for the keeping or shelter of horses, cattle, sheep, or swine, or within one-half mile of any traveled highway, shall be guilty of a misdemeanor. Nothing in this section shall be construed to prohibit the putting out at any time of poisoned grain or bait for the purpose of killing gophers, grasshoppers, prairie dogs, and other food, crop, and tree destroying rodents or insects, or for the purpose of exterminating predatory animals, when such action is taken under warrant or authority of any law of this state or for the United States.

SECTION 8.) Chapter 20.1-01 of the North Dakota Century Code is hereby created and enacted to read as follows:

CHAPTER 20.1-01

GENERAL PROVISIONS

20.1-01-01. GENERAL PENALTY.) Any person violating a provision of this chapter for which a penalty is not specifically provided is guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment.

20.1-01-02. DEFINITIONS.) In this title, unless the context or subject matter otherwise requires:

1. "Department" means the state game and fish department.
2. "Commissioner" means the state game and fish commissioner.
3. "Deputy commissioner" means the deputy state game and fish commissioner.
4. "Resident" means any person who has actually lived within this state or maintained his home therein for at least six months immediately preceding the date that residence is to be determined. A "nonresident" is any person who has not done so.
5. "Person" shall include every partnership, association, and corporation. No violation of this title shall be excused because it was done as the agent or employee of another, nor because it was committed by or through an agent or employee of the person charged.

*NOTE: Section 12-18-07 was repealed effective July 1, 1975, by section 41 of Senate Bill No. 2045, chapter 116.

6. "Game birds" shall include all varieties of geese, brant, swans, ducks, plovers, snipes, woodcocks, grouse, sagehens, pheasants, Hungarian partridges, quails, partridges, cranes, rails, coots, and wild turkeys.
7. "Small game" shall include all game birds and tree squirrels.
8. "Big game" shall include deer, moose, elk, big horn sheep, mountain goats, and antelope.
9. "Fur-bearers" shall include mink, muskrats, and weasels. Beavers, raccoons, badgers, foxes, wolves, and coyotes shall be considered fur-bearers if so designated by gubernatorial proclamation.
- *10. "Harmful wild birds" shall include blackbirds, magpies, crows, English sparrows, sharp-shinned hawks, cooper hawks, great horned owls, snowy owls, cormorants, and starlings.
11. "Harmless wild birds" shall include all wild birds not defined herein as "harmful wild birds" or "game birds".
12. "Sell" and "sale" means any sale or offer to sell, or possession with intent to sell, use, or dispose of, the article or thing specified, contrary to law.
13. "Possession" means control, actual possession, and constructive possession of the article or thing specified.
14. "Waters of the state" means all waters of this state, including boundary waters. This title shall extend to and shall be in force and effect over, upon, and in all such waters.
15. "Waters" when not qualified means waters not open to the general public.
16. "Public waters" means waters to which the general public has a right to access.
17. "Any part thereof" and "the parts thereof" shall include the hide, horns, or hoofs of any animal specified, and the plumage, skin, and every other part of any bird specified.
18. "Confiscate" or "confiscated" means to hold subject to the order of a court of competent jurisdiction.
19. "Sinkbox" or "sunken device" means a raft or any type of low floating device having a depression which affords a hunter a means of concealing himself below the surface of the water.
20. "Private fish hatchery" means a body of water, whether natural or artificial, and any other facilities used, maintained, or operated by any private person, firm, or corporation for the propagation and production of fish for sale or planting

NOTE: Subsection 10 of section 20.1-01-02 was further amended by section 1 of Senate Bill No. 2200, chapter 203.

in other waters. The commissioner may, by establishing rules and regulations, regulate the species of fish which may be raised in a private fish hatchery. No waters stocked by any state or federal governmental agency shall be considered a private fish hatchery.

21. "Motor-driven vehicle" means any land vehicle, with or without wheels, that is propelled by any motor.
22. "Retrieve" means to have taken possession and made ready for transportation.
23. "Established road or trail" means any public highway or road, improved or otherwise, dedicated for public ingress or egress, or any other road or trail normally used for travel.
24. "Shooting preserve" or "preserve" means any privately owned or leased acreage on which hatchery-raised game birds are released to be hunted for a fee over an extended season.
25. "Vessel" means any watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.
26. "Motorboat" means any vessel propelled by machinery, whether or not such machinery is the principal source of propulsion, but shall not include a vessel having a valid marine document issued by the bureau of customs of the United States government or any federal agency successor thereto.
27. "Owner" means a person, other than a lien holder, having the property in or title to a motorboat. The term includes a person entitled to the use or possession of a motorboat subject to an interest in another person, reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security.
28. "Operate" means to navigate or otherwise use a motorboat or a vessel.

*20.1-01-03. OWNERSHIP AND CONTROL OF GAME AND FISH IS IN THE STATE.) The ownership of and title to all wild birds, fish, and wild animals within this state shall be in the state for the purpose of regulating their enjoyment, use, possession, disposition, and conservation. Any person catching, killing, taking, trapping, or possessing any wild birds, fish, or wild animals protected by law at any time or in any manner shall be deemed to have consented that the title thereto shall remain in this state for the purpose of regulating the taking, use, possession, and disposition thereof.

20.1-01-04. ATTORNEY GENERAL, STATE'S ATTORNEYS, SHERIFFS, CONSTABLES, AND PEACE OFFICERS TO ENFORCE GAME AND FISH LAWS.) The attorney general, and all state's attorneys, sheriffs, constables, and other peace officers shall enforce this title. The attorney general

NOTE: Section 20.1-01-03 was further amended by section 1 of House Bill No. 1246, chapter 206.

and the state's attorney of the county in which an action is to be brought or is pending shall appear for the commissioner in all civil actions in which the commissioner or any of the game wardens may be interested officially, and shall appear in the prosecution of criminal actions arising under this title.

20.1-01-05. UNAUTHORIZED METHODS OF TAKING GAME BIRDS AND GAME ANIMALS.) Except as otherwise provided in this title, no person, for the purpose of catching, taking, killing, or raising any game birds or game animals shall:

1. Set, lay, or prepare any trap, snare, artificial light, net, birdlime, swivel gun, or any other device;
2. Drag, in any manner, any wire, rope, or other contrivance;
3. Use or cause to be used, except for transportation, any floating device or apparatus operated by electricity, steam, or gasoline, or any other floating vessel;
4. Use a firearm with any kind or type of silencer on it; or
5. Discharge any firearm while in or on a motor vehicle.

20.1-01-06. GOING AFIELD WITH GUN OR OTHER FIREARM WHEN INTOXICATED PROHIBITED - PENALTY.) No person shall go afield at any time, with a gun or other firearm, when intoxicated or under the influence of alcoholic beverages. Upon conviction of a person for violating this section, his hunting license shall become void. The judge of the convicting court shall take the license, mark it revoked, and send it to the department. If the conviction is reversed on appeal, the license shall be restored to the defendant. Game wardens, including special wardens, shall have the authority of a general peace officer in the enforcement of this section. In addition to the penalty provided in this chapter, any person convicted of committing a subsequent offense under this section shall be ineligible for a hunting license in this state for two years from and after such conviction.

20.1-01-07. HUNTING BIG GAME WITH MOTOR VEHICLES PROHIBITED - EXCEPTION - MOTOR VEHICLE USE IN TRANSPORTING BIG GAME RESTRICTED.) No person, while hunting big game, shall use a motor-driven vehicle on any other than an established road or trail, unless he has reduced a big game animal to possession and cannot easily retrieve said big game animal, in which case a motor-driven vehicle may be used to retrieve the big game animal, provided that after such retrieval, such motor-driven vehicle is again returned to the established road or trail along the same route it originally departed. For purposes of safety and allowing normal travel, a motor-driven vehicle may be parked on the roadside or directly adjacent to said road or trail. No person, while hunting big game, shall drive or attempt to drive, run or attempt to run, molest or attempt to molest, flush or attempt to flush, or harass or attempt to harass any big game with the use or aid of any motor-driven vehicle. No person, while hunting big game shall drive through any retired cropland, brush area, slough area, timber area, open prairie, or unharvested or harvested cropland, except upon an established road or trail.

20.1-01-08. HUNTING WITH ARTIFICIAL LIGHT PROHIBITED - EXCEPTION.) Any person who shall pursue, shoot, kill, take or attempt to take any wildlife between sunset of one day and sunrise of the next, with the aid of a spotlight or any other artificial light, shall be guilty of a misdemeanor. This section does not make it unlawful for any person to use a lantern, spotlight, or other artificial light to assist him in pursuing and shooting on his premises any coyote, fox, skunk, mink, raccoon, weasel, owl, rabbit, or other predatory animal or bird, attacking and attempting to destroy such person's poultry, livestock, or other property. It is permissible to use a flashlight of not more than two cells in the aggregate of three volts while taking raccoon during the open season on such animal.

20.1-01-09. TYPES OF GUNS LAWFULLY USABLE IN TAKING RACCOON WITH FLASHLIGHT.) In the killing, shooting, pursuit, taking or in attempting to take raccoon with the use of a flashlight of not over two cells in the aggregate of three volts, it is illegal to use a rifle capable of firing a shell larger than a twenty-two long rifle shell, or a shotgun larger than four-ten gauge. Violations of this section are misdemeanors.

20.1-01-10. HOURS FOR HUNTING GAME BIRDS AND PROTECTED ANIMALS.) No person during the time elapsing between actual sunset of one day and one-half hour before sunrise of the next day, shall hunt, pursue, catch, shoot at, or in any manner molest any game bird or protected animal in this state. This section shall not apply to the trapping of fur-bearing animals by the holder of a lawfully issued trapping license, nor to the taking of raccoon as permitted by section 20.1-01-08. The hours and manner of hunting upland game birds and protected animals may be restricted further by gubernatorial proclamation issued pursuant to chapter 20.1-08.

20.1-01-11. HUNTING AND HARASSING GAME FROM AIRCRAFT AND MOTOR VEHICLES PROHIBITED.) Except as provided in section 20.1-07-03, or when necessary for the protection of life or property, no person operating or controlling the operation of any aircraft or motor vehicle in this state shall intentionally kill, chase, or harass any wild animal or wild bird, protected or unprotected.

20.1-01-12. HIRING ANOTHER TO HUNT OR HUNTING FOR ANOTHER FOR REMUNERATION UNLAWFUL.) No person shall hire another person to hunt small game or big game for him, nor shall any person hunt small game or big game for another for remuneration.

20.1-01-13. AIDING IN CONCEALMENT OF GAME UNLAWFULLY TAKEN OR POSSESSED - UNLAWFUL.) No person shall knowingly aid or assist in the concealment of any game that has been unlawfully taken or that is unlawfully possessed.

20.1-01-14. POSSESSION OR CONTROL OF BIRDS, FISH, OR ANIMALS PRIMA FACIE EVIDENCE OF CRIMINAL OFFENSE.) Possession or control by any person of any birds, animals, or fish, or any part thereof, the killing, taking, or possessing of which is unlawful, is prima facie evidence such game was caught, taken, or killed in this state in violation of this title.

20.1-01-15. JOINT VIOLATOR TESTIFYING AGAINST OTHER PARTICIPANTS NOT SUBJECT TO PROSECUTION.) If two or more persons participate in a violation of this title, one or any of them may testify in a prosecution for such violation brought against the other person or persons participating. Those so testifying shall not be prosecuted for the violation testified to and participated in.

20.1-01-16. COMMON CARRIERS NOT TO TRANSPORT GAME OR FISH EXCEPT DURING OPEN SEASONS.) No transportation company or common carrier shall receive for transportation, transport, or attempt to transport any protected game birds, animals, or fish, except during the open season on such birds, animals, or fish.

20.1-01-17. POSTING OF LANDS BY OWNER OR TENANT TO PROHIBIT HUNTING - HOW POSTED - SIGNS DEFACED.) Only the owner or tenant of any land may post it by placing signs alongside the public highway or the land giving notice that no hunting is permitted on the land. The name and address of the person posting the land and the posting date shall appear on each sign in legible characters. The signs shall be readable from the outside of the land and shall be placed conspicuously not more than four hundred forty yards apart. As to land entirely enclosed by a fence or other enclosure, posting of such signs at or on all gates through such fence or enclosure shall be construed to be a posting of all such enclosed land. No person shall in any manner deface, take down, or destroy posting signs.

20.1-01-18. HUNTING ON POSTED LAND WITHOUT PERMISSION UNLAWFUL.) No person shall hunt or pursue game, or enter for those purposes, upon legally posted land belonging to another without first obtaining the permission of the person legally entitled to grant the same. No person shall enter upon privately owned land for the purpose of taking, catching, or trapping protected fur-bearing animals without first gaining the permission of the owner or operator of such land.

20.1-01-19. WHEN POSTED LAND MAY BE ENTERED.) Any person may enter upon legally posted land to recover game shot or killed on land where he had a lawful right to hunt.

20.1-01-20. ENTERING POSTED LAND WITH GUN OR FIREARM PRIMA FACIE EVIDENCE OF INTENT TO HUNT GAME.) Proof that a person having a firearm, or other weapon declared legal by governor's proclamation, in his possession entered upon the legally posted premises of another without permission of the owner or tenant is prima facie evidence he entered to hunt or pursue game.

20.1-01-21. HUNTING NEAR OCCUPIED BUILDING WITHOUT PERMISSION UNLAWFUL.) No person shall hunt or pursue game upon the premises of another, within two hundred twenty yards of any occupied building, without consent of the person occupying such building.

20.1-01-22. HUNTING GAME ON LANDS HAVING UNHARVESTED CROPS UNLAWFUL.) It shall be unlawful to hunt or pursue game in unharvested cereal crops without permission of the owner or tenant. Such crops shall include alfalfa, clover, and other grasses grown for seed.

20.1-01-23. FENCE GATES TO BE CLOSED - VIOLATOR'S HUNTING LICENSE FORFEITED.) A person who opens a gate or bars in a fence enclosing farm premises shall not leave such gate or bars open unless he is in lawful possession of the premises. If a person violates this section while hunting, he is subject to the penalty contained in section 47-27-03, and his hunting license shall be forfeited for the remainder of the then current hunting season. A summary of the provisions of this section shall be printed on each general game and fur-bearer license.

20.1-01-24. IMPERSONATING GAME WARDENS UNLAWFUL.) No person shall falsely claim the authority of or impersonate a game warden.

20.1-01-25. DEPOSIT OF REFUSE UNLAWFUL.) The deposit of litter, refuse, rubbish, bottles, cans, or other waste materials, on or in the vicinity of any game refuge, lake, river, public park, or recreation area is prohibited. Police officers, sheriffs, deputies, and game and fish department personnel shall enforce this section.

20.1-01-26. SUSPENSION OF HUNTING OR FISHING PRIVILEGES - SURRENDER AND RETURN OF LICENSE.) In addition to the penalty provided upon conviction under this title, the court may suspend the defendant's hunting or fishing privileges for up to two years.

Upon imposition of such suspension, the court shall take any hunting or fishing license or permit held by the defendant and forward it, together with a certified copy of the suspension order, to the commissioner. Upon expiration of the suspension, the commissioner shall return the defendant's license or permit if it is still valid. No person shall purchase, or attempt to purchase, a hunting or fishing license or permit during a suspension period.

SECTION 9.) Chapter 20.1-02 of the North Dakota Century Code is hereby created and enacted to read as follows:

CHAPTER 20.1-02

GAME AND FISH DEPARTMENT

20.1-02-01. STATE GAME AND FISH COMMISSIONER - OFFICE TO BE MAINTAINED - APPOINTMENT - TERM - REMOVAL.) A state game and fish commissioner shall be appointed by the governor. He shall hold office for a term of two years beginning on the first day of July of each odd-numbered year, and until his successor is appointed and qualified. He shall be subject to removal by the governor for cause only.

20.1-02-02. BOND AND OATH OF COMMISSIONER - WHERE FILED.) Before entering upon his duties and within ten days after the date of his appointment, the commissioner shall take and file the oath prescribed for civil officers and shall be bonded in the penal sum of ten thousand dollars.

20.1-02-03. COMPENSATION AND EXPENSES OF COMMISSIONER - AUDIT AND PAYMENT.) The biennial salary of the commissioner shall

be the amount appropriated therefor by the legislative assembly together with the actual and necessary expenses incurred by him in the performance of his duties. His salary and expenses shall be paid out of the game and fish fund and shall be audited and paid in the same manner as the salary and expenses of other state officers.

20.1-02-04. DUTIES OF COMMISSIONER.) The commissioner shall:

1. Maintain an office in Bismarck.
2. Establish such rules and regulations as are necessary to the conduct of his department.
3. Keep an accurate record of all the transactions and expenditures of his department and on or before the first day of October of each year preceding the regular session of the legislative assembly make and file with the governor and the secretary of state a detailed report as prescribed by subsection 6 of section 54-06-04 of such transactions and expenditures for the preceding two fiscal years.
4. Enforce state laws involving game animals, game birds, fish, and harmless birds and animals.
5. Collect and distribute statistics and information germane to this title and publish such information and reports, including a monthly bulletin, for the education of the public in conservation matters.
6. Examine all waters of the state and, wherever suitable waters are found, arrange to plant, stock, or deposit available fish, spawn, or fry.
7. Cooperate with the United States bureau of sport fisheries and wildlife, or any other appropriate federal agency, and make applications for fish, spawn, and fry, to apportion and deposit in waters of the state.
8. Cooperate with and assist clubs and individuals in stocking the waters of this state with fish.
9. Remove or take from any public waters containing a surplus of fish, any reasonable quantity of fish for stocking other public waters, for hatching or propagating purposes, or for exchange with other states and countries.
10. Control, construct, mark, designate, manage, and have charge of all state fish hatcheries, state game farms, game refuges, and game reserves owned, leased, or controlled for the propagation and protection of game birds, game animals, and fish.
11. Supervise the breeding, propagation, capture, distribution, and preservation of such game birds, game animals, and fish as he deems advisable.

12. Make all rules and regulations necessary for carrying out the provisions of section 20.1-10-01 and such rules and regulations shall have the force of law after one publication in the daily newspapers of this state.
13. Provide the necessary blank forms for making applications for licenses of all kinds and distribute them among those authorized to sell licenses.
14. Keep a record of all permits issued for the purpose of propagation and domestication of game birds or protected animals.

20.1-02-05. POWERS OF COMMISSIONER.) The commissioner may:

1. Fix the salaries and the necessary travel and other expenses of department personnel subject to law and legislative appropriations.
2. Employ any part-time personnel necessary to run his office and remove such employees at will. Salaries and necessary traveling and other expenses of such appointees shall be authorized, audited, and paid in the same manner as salaries and expenses of state officers.
3. Accept from any person, or gather, or purchase, fish, spawn, or fry, for distribution in state waters.
4. Take alive at any time, under his personal supervision or under the personal supervision of any of his bonded appointees, any birds or animals for propagation purposes or for exchange with other states and foreign countries for game birds and animals of other species.
5. Order additional protection for any fish with an open season when, after investigation, he finds danger of extinction, undue depletion in any waters, or to aid in the propagation and protection of immature fish, by prescribing how, how many, where, and when such fish may be taken. Such orders shall have the force of law.
6. Take or cause to be taken at any time from any state public waters any suckers, carp, or pickerel.
7. Purchase, lease, or condemn real estate, when it is required to carry out this title, and sell it when it is no longer required, in the name of the state and subject to the approval of the governor.
8. Lease up to ninety-nine years any department land, for the purpose of development and improvement, to any nonprofit corporation, upon consideration of specified improvements to be made by the corporation and other improvements the department and the corporation may agree upon. The lease shall provide that all funds received by the corporation through

- lease of the property be expended upon the leased premises for development and improvements. The corporation shall have the authority, subject to approval by the commissioner, to sublease the premises for cabin sites and other recreational purposes. Upon termination of the lease, the leased property, together with all improvements, shall revert to the department.
9. With the governor's approval, enter into agreements with the bureau of reclamation for the management of lands in the Heart Butte area acquired by the bureau for the construction of dams on lakes or streams. Revenues derived from the management of such lands or received from any federal agency for expenditure upon such lands shall not be commingled with other game and fish funds, but shall be deposited by the commissioner in a separate account. These funds are hereby appropriated for expenditure for such purposes as may be agreed upon by the bureau of reclamation, the federal fish and wildlife service, the national park service, and the commissioner. The authority herein granted is effective only until the lands are resold to the former landowners by the bureau of reclamation.
 10. Secure specimens of game birds, animals, and fish for breeding purposes by purchase or otherwise and by exchange with the game commissions or state game wardens of other states or countries.
 11. Issue, at his discretion, special permits to shoot game from a stationary motor vehicle upon application from individuals who are physically unable to walk for purposes of hunting or taking game. The application shall be accompanied by a physician's statement verifying the person's condition.
 12. Issue to any person, who is a paraplegic or who has lost the use of one or both arms, a special permit to hunt game with a crossbow if he otherwise complies with and qualifies under the licensing and other provisions of this title.
 13. Issue any resident license prescribed by this title to a person who has come to the state with a bona fide intention of becoming a resident, even though he has not been a resident of this state for the required time period immediately preceding the application for the license, or to any person who is a member of the United States armed forces and who is within the state on duty or leave, or to any employee of the United States fish and wildlife service or the conservation department of any state or province of Canada in the state to advise or consult with the department. No license shall be issued under this subsection unless an affidavit of a bona fide resident, setting forth the actual conditions, accompanies the application.
 14. Promulgate rules and regulations, and issue permits for the transporting or introducing of fish, fish eggs, small game, big game, or fur-bearers after determining that such fish, fish eggs, birds, or animals have been properly inspected

for disease, and that the transplanting or introduction will be in compliance with state laws, rules, and regulations. No person shall transplant or introduce any fish or fish eggs into any of the public waters of this state, or transplant or introduce any species of small game, big game, or furbearers into this state without obtaining a permit from the commissioner.

15. Pursuant to section 4-01-17.1, cooperate with the commissioner of agriculture, the federal bureau of sport fisheries and wildlife, and other agencies in the destruction of predatory animals, destructive birds, and injurious field rodents. The commissioner is hereby authorized to promulgate rules and regulations in accordance with organized and systematic plans of the department of the interior for the destruction of these birds and animals.

20.1-02-06. DEPUTY COMMISSIONER - APPOINTMENT, REMOVAL, OATH, BOND, REPORTS.) The commissioner shall appoint, and may remove at pleasure, a deputy commissioner who shall be under his direct control and supervision. The deputy, within ten days after the date of his appointment, shall take and file the oath prescribed for civil officers and furnish a bond in the penal sum of five thousand dollars. Such bond shall conform to and shall be filed in accordance with the provisions of law applicable to the bonds of state officers. The oath shall be filed in the office of the secretary of state. The deputy commissioner shall make monthly and annual reports to the commissioner in the manner required by him.

20.1-02-07. CHIEF GAME WARDEN, DISTRICT DEPUTY GAME WARDENS, BIOLOGISTS, AND TECHNICIANS - APPOINTMENT - REMOVAL.) The commissioner, with the governor's approval, may appoint the following permanent employees:

1. A chief game warden who shall enforce all state game and fish laws and supervise all deputy game wardens;
2. Twenty-three district deputy game wardens, assigned by him, to enforce all state game and fish laws; and
3. Biologists and technicians with specialized training and experience to perform duties specified by the commissioner.

Such appointees shall be removed for cause only and in the manner specified by law.

20.1-02-08. BOND AND OATH OF CHIEF GAME WARDEN.) The chief game warden, within ten days of appointment, shall take the oath prescribed for civil officers and file it with the secretary of state. The chief game warden shall furnish a bond in the penal sum of five thousand dollars.

20.1-02-09. SUPERVISION OF CHIEF GAME WARDEN BY COMMISSIONER - RECORDS - REPORTS.) The chief game warden shall be under the direct control and supervision of the commissioner and

shall make monthly and annual reports to the commissioner in a manner required by him. The chief game warden shall keep a complete and correct record, in a book provided for that purpose, of all his transactions and of the name of each person violating the game and fish laws, the date of his arrest, the amount of the fine and costs imposed upon and paid by each such person, and the name of the judge before whom he appeared. Such record book, when requested, shall be open to inspection by the public. The chief game warden shall make a full report to the commissioner within thirty days after the end of each fiscal year.

20.1-02-10. SPECIAL DEPUTY GAME WARDENS - APPOINTMENT, REMOVAL, COMPENSATION.) The commissioner may appoint and remove at pleasure, one or more special deputy game wardens in each county. They shall serve for such time and in such manner as the commissioner may direct. They shall serve without compensation, but shall be entitled to a reward pursuant to section 20.1-02-16.

20.1-02-11. DEPUTY GAME WARDENS SUPERVISED BY COMMISSIONER - TO MAKE REPORTS.) Each district deputy game warden and each special deputy game warden shall be under the direct control and supervision of the commissioner, and shall make monthly and annual reports to the commissioner in a manner required by him.

20.1-02-12. BOND OF DEPUTY GAME WARDENS.) Each deputy game warden, before entering upon the discharge of his duties, shall furnish a bond in the penal sum of one thousand dollars.

20.1-02-13. DISQUALIFICATION OF GAME WARDENS.) No person who owns or possesses land in this state under lease or contract for hunting purposes, nor his employee or agent, shall be appointed or shall act as a chief, district, or special deputy game warden.

20.1-02-14. WRITS SERVED AND EXECUTED BY GAME WARDENS - PEACE OFFICERS AND OTHERS TO AID WARDENS, WHEN.) The commissioner, deputy commissioner, and all wardens and deputy wardens may serve and execute, in the same manner as any sheriff or constable, all warrants and legal process issued by a court in enforcing this title. Such officers of the department may call to their aid any sheriff, deputy sheriff, constable, police officer, or other person to enforce this title. All such peace officers or other persons, when called upon therefor, shall enforce and aid in enforcing this title.

20.1-02-15. POLICE POWERS OF COMMISSIONER, DEPUTY COMMISSIONER, AND BONDED APPOINTEES OF COMMISSIONER.) The commissioner, deputy commissioner, and any bonded appointees of the commissioner shall have the power:

1. Of a peace officer for the purpose of enforcing this title and any other state laws, rules, or regulations relating to big game, small game, fur-bearers, fish, and other wildlife.
2. To make arrests upon view and without warrant for any violation committed in his presence of this title and any other state laws, rules, or regulations relating to big game, small game, fur-bearers, fish, and other wildlife.

3. To enter and inspect any hotel, restaurant, cold storage warehouse, plant, icehouse, or any building used for the storage of dressed meat, game, or fish to determine if game or fish, or parts thereof, are kept or stored therein contrary to this title.
4. To open, enter, and examine, without warrant, all buildings, camps, tents, vessels, boats, wagons, automobiles, or other vehicles, cars, crates, boxes, and other receptacles and places when he has reason to believe that game or fish, or parts thereof, or green furs which have been taken or are held or possessed contrary to this title may be found. The right to enter and search without a warrant, however, shall not apply to the dwelling house or living quarters of any person or of a sealed railroad car.
5. To open and examine any package in the possession of a common carrier which he suspects or has reason to believe contains game or fish, or parts thereof, taken, held, or falsely labeled contrary to this title. Every such common carrier, and every agent, servant, or employee thereof, shall permit any such officer to open and examine any such package. Any package so opened and not confiscated shall be restored to its original condition by the officer making the examination.
6. To enter, without warrant, upon the premises of any dealer or trader in green furs to inspect any warehouses, storerooms, or other storage places, and may call for and inspect records of buying, shipping, or selling of green furs. The right to enter and search without a warrant, however, shall not apply to the dwelling house or the living quarters of any person or of a sealed railroad car.
7. To seize and hold, subject to court order, any green furs obtained illegally.
8. To inspect all premises used for the purpose of propagating and domesticating game birds or protected animals.

20.1-02-16. COMMISSIONER MAY PAY REWARDS IN CONNECTION WITH THE CONVICTION OF VIOLATORS - AMOUNTS - EXCEPTIONS.) The commissioner, out of legislative reward appropriation, may pay complainants, upon the arrest and conviction of any person violating this title, a reward in the amount of:

1. Twenty-five dollars if the offense involves a violation relating to big game or to beavers; or
2. Ten dollars if the offense involves a violation relating to game birds, fish, or protected animals not mentioned in subsection 1.

This section shall not apply when the complaint is made or required information is furnished by an officer, employee, or game warden who

is regularly employed and who receives a salary from the department, or by a sheriff or other peace officer who receives a regular salary.

20.1-02-17. ASSENT TO FEDERAL AID PROJECTS - PROCEEDS FROM LICENSE FEES TO BE USED FOR ADMINISTRATION OF DEPARTMENT.) North Dakota assents to the Act of Congress entitled "An Act to provide that the United States shall aid the states in wildlife restoration projects and for other purposes" approved September 2, 1937, Public Law No. 415, 75th Congress, and the Act of Congress entitled "An Act to provide that the United States shall aid the states in fish restoration and management projects, and for other purposes" approved August 9, 1950, Public Law No. 681, 81st Congress. The commissioner shall conduct and establish cooperative wildlife and fish restoration projects as defined in these Acts, in compliance with the Acts and with rules and regulations promulgated by the federal agency administering these Acts.

Hunting and fishing license fees shall only be used for departmental programs and administration.

20.1-02-18. STATE'S CONSENT TO UNITED STATES' ACQUISITION OF AREAS FOR MIGRATORY BIRD RESERVATIONS - STATE RETAINS JURISDICTION.) North Dakota consents to the United States acquiring, by purchase, gift, devise, or lease, land or water in this state as the United States may deem necessary to establish migratory bird reservations in accordance with the Act of Congress approved February 18, 1929, entitled "An Act to more effectively meet the obligations of the United States under the Migratory Bird Treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and authorizing appropriations for the establishment of such areas, their maintenance and improvement and for other purposes". North Dakota reserves such full and complete jurisdiction and authority over all such areas of land or water so acquired by the United States as is not incompatible with the administration, maintenance, protection, and control of such areas by the United States under the terms of said Act of Congress.

20.1-02-19. REMOVAL PROCEEDINGS - GAME AND FISH HEARING BOARD.) The removal of all game and fish employees other than the deputy commissioner, and temporary, part-time, or probation appointees may be instituted only by the filing of a verified written charge with the governor. If the governor believes such charges constitute grounds for removal, he shall order a hearing thereon, on fifteen days' notice to the individual accused, before a hearing board consisting of the governor as chairman, the secretary of state, and the attorney general. If the governor believes that such charge or charges do not constitute grounds for removal, he shall dismiss the charges forthwith.

20.1-02-20. TIME OF HEARING - NOTICE OF HEARING AND OF DETERMINATION.) The hearing specified in section 20.1-02-19 shall be held within sixty days of the filing of the charges. Not less than fifteen days before the time set for the hearing, notice thereof, signed by the governor, together with a copy of the written charges, shall be served upon the individual accused, by personal service if his

whereabouts are known, within the state of North Dakota, otherwise by publication in the manner provided by law for the service of summons in a civil action. The hearing board shall have authority to hear such charge or charges and make an appropriate order. This order shall be filed with the governor. An order of removal shall be served upon the individual removed either in person or by registered or certified mail within ten days after its issuance.

20.1-02-21. SUSPENSION PENDING HEARING.) When the governor orders a hearing, he may, at his discretion, suspend the accused individual pending the final determination of the hearing board. If the charges are dismissed, the suspended individual shall be reinstated without loss of salary during the period of suspension.

20.1-02-22. APPEAL TO DISTRICT COURT.) An individual dismissed by order of the hearing board, may appeal to the Burleigh County district court. This appeal shall be taken and determined in the manner provided by chapter 28-32 of the title Judicial Procedure, Civil.

20.1-02-23. ADVISORY BOARD - APPOINTMENT - QUALIFICATIONS - TERM.) There is hereby created a state game and fish advisory board consisting of six members, one from each judicial district of this state, appointed by the governor. Not less than three members shall be bona fide farmers or ranchers. Appointments shall be for a term of six years from the first day of July of the year of expiration of the basic term, and until a successor has been appointed and qualified. Vacancies occurring other than by the expiration of an appointive term shall be filled by appointment for the remainder of the term only. The members of the advisory board shall be subject to removal by the governor for cause only. The advisory board shall select from their members a chairman, vice chairman, and secretary who shall serve in such positions until June thirtieth of the year next following their selection.

20.1-02-24. COMPENSATION.) Each member of the advisory board shall be paid a per diem of ten dollars for each day of service in going to, attending, and returning from the meetings required by section 20.1-02-25 to be held in his respective district and the meetings of the advisory board. Each member shall be reimbursed for necessary and actual expenses at the rates and in the manner provided by law for other state officers. Such compensation and expenses shall be paid out of department appropriations.

20.1-02-25. MEETINGS AND DUTIES.) Each board member shall hold a public meeting at least twice each fiscal year, one in March and one in July, in his respective district to make their presentations and to determine the needs and the opinions of those interested in such activities. The board shall meet at least twice each fiscal year, once in August and once in April. Each meeting shall be held at the capitol. Four members shall constitute a quorum. The board has the authority to advise the commissioner regarding any policy of hunting, fishing, and trapping regulations, and may make general recommendations concerning the operation of the department and its programs which the commissioner may carry out. This section does not limit or restrict the powers,

duties, and authority of the governor in the issuance of orders and proclamations as provided in chapter 20.1-08.

SECTION 10.) Chapter 20.1-03 of the North Dakota Century Code is hereby created and enacted to read as follows:

CHAPTER 20.1-03

LICENSES AND PERMITS

20.1-03-01. GENERAL PENALTY.) Any person violating a provision of this chapter for which a penalty is not specifically provided is guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment.

20.1-03-02. GENERAL GAME LICENSE - STAMPS ALLOWED FOR SPECIFIC LICENSES.) No person shall:

1. Acquire any resident or nonresident license to hunt, catch, take, or kill any small game or big game animal unless he first obtains an annual general game license.
2. Hunt, catch, take, trap, or kill any small game or big game animal unless he has in his possession an annual general game license together with the specific license required.

The commissioner shall design and furnish, for sale to residents and nonresidents, an annual general game license. A stamp may be prepared by the commissioner to be affixed to a general game license in place of each separate small game or big game hunting license.

20.1-03-03. LICENSES TO HUNT, TRAP, OR FISH REQUIRED OF RESIDENTS.) No resident of this state, except as provided in section 20.1-03-04, shall:

1. Hunt, catch, take, or kill any small game without having a resident small game license.
2. Trap, catch, attempt to catch, take, or kill any protected fur-bearing animal without having a resident fur-bearer license.
3. Catch, attempt to catch, take, or kill any fish without having a resident fishing license.
4. Hunt, catch, take, or kill any big game animal without having the respective resident big game license.

Each violation of this section shall constitute a distinct and separate offense.

20.1-03-04. WHEN LICENSES TO HUNT, FISH, OR TRAP NOT REQUIRED OF RESIDENTS - EXCEPTIONS.) Subject to the provisions of this title:

1. Any resident, or any member of his family residing customarily with him, may hunt, fish, or trap during the open season without a license upon land owned or leased by him. No person, however, shall hunt, take, or kill deer without obtaining a big game hunting license. Upon execution and filing of an affidavit describing a minimum of a quarter section of land owned or leased by any person within a district open for the hunting of deer, such person shall receive, without charge, a license to hunt deer. The license shall include a description of the land described in the affidavit and may be used to hunt deer only upon such land.
2. Residents under the age of sixteen years may fish without a resident fishing license.
3. Residents may fish at a private fish hatchery without a resident fishing license.
4. Grafton state school for the mentally deficient patients and state industrial school students may fish without a resident fishing license.
- *5. Military personnel who were residents of this state upon entering the military service of the United States shall be permitted to fish or hunt game birds without a license during the open season in a time of war.

20.1-03-05. APPLICATION FOR RESIDENT GENERAL GAME, FUR-BEARER, OR FISHING LICENSE - CONTENTS.) Each application for a resident general game, fur-bearer, or fishing license shall be signed by the applicant and shall state:

1. That the applicant has been a bona fide state resident for at least six months;
2. The applicant's residential address, including street and post office; and
3. The applicant's weight, height, color of hair, and color of eyes.

20.1-03-06. CONTENTS OF RESIDENT GENERAL GAME, FUR-BEARER, OR FISHING LICENSES - LICENSES NOT TRANSFERABLE - RESIDENT FAMILY FISHING LICENSE.) A resident general game, fur-bearer, or fishing license is not transferable. Each such license shall:

1. Describe the licensee;
2. Designate licensee's place of residence;
3. Have printed upon it in large figures the year for which it is issued, or if it is a fur-bearer license, the statement that it expires on the first day of September following the date of issue;

NOTE: Subsection 5 of section 20.1-03-04 was repealed by section 1 of Senate Bill No. 2246, chapter 207.

4. Have printed upon it in large letters the word "nontransferable"; and
5. Be issued in the name of the commissioner.

In addition to the regular resident fishing license, there is hereby authorized a resident family fishing license allowing the husband and wife of a family to fish under one license. Such license shall be valid for the same period as other resident fishing licenses and shall be issued in duplicate. The husband and wife are each to have a copy in possession while fishing.

20.1-03-07. LICENSES TO HUNT, TRAP, OR FISH REQUIRED OF NONRESIDENTS.) Nonresidents, except as provided in sections 20.1-02-05 and 20.1-03-08, shall not:

1. Hunt, catch, take, or kill any small game without a nonresident small game license.
2. Trap, catch, attempt to catch, take, or kill any protected fur-bearing animal unless he is a resident of a state which permits trapping by North Dakota residents, and has obtained a nonresident fur-bearer license.
3. Catch, attempt to catch, take, or kill any fish without having a nonresident fishing license.
4. Hunt, catch, take, or kill any unprotected bird or animal without having a nonresident nongame hunting license.
5. Hunt, catch, take, or kill any big game animal without having the respective nonresident big game license.

Each violation of this section shall be a distinct and separate offense.

20.1-03-08. WHEN LICENSES TO FISH NOT REQUIRED OF NONRESIDENT.) Subject to other provisions of this title, any nonresident under the age of twelve years may fish without a nonresident fishing license. Any nonresident may fish in the waters of a private fish hatchery without a nonresident fishing license.

20.1-03-09. APPLICATION FOR NONRESIDENT GENERAL GAME, FUR-BEARER, OR FISHING LICENSE - CONTENTS.) Each application for a nonresident general game, fur-bearer, or fishing license shall be signed by the applicant and state the applicant's residential address, including street and post office, and his weight, height, color of hair, and color of eyes.

20.1-03-10. CONTENTS OF NONRESIDENT GENERAL GAME, FUR-BEARER, OR FISHING LICENSES - LICENSES NOT TRANSFERABLE - NONRESIDENT SHORT-TERM FISHING LICENSE.) A nonresident general game, fur-bearer, or fishing license is not transferable. Each such license shall:

1. Describe the licensee;

2. Designate the licensee's place of residence;
3. Have printed upon it in large figures the year for which it is issued, or if it is a fur-bearer license, the statement that it expires on the first day of September following the date of issue;
4. Have printed upon it in large letters the words "nonresident license" and "nontransferable";
5. Have connected to it such detachable shipping tags as the commissioner may deem advisable; and
6. Be issued in the name of the commissioner.

In addition to the regular nonresident fishing license, there is hereby authorized a nonresident short-term fishing license. This license shall be valid up to seven days from date of issue.

20.1-03-11. LICENSE TO HUNT BIG GAME REQUIRED - SPECIAL PERMITS TO HUNT DEER.) No person shall hunt, kill, take, or attempt to take any big game without having the appropriate big game hunting license and a locking seal bearing a number corresponding to the number of the big game hunting license or stamp. The locking seal shall be issued as an integral part of the big game hunting license. In addition to the regular big game hunting license, the governor by order or proclamation may authorize the issuance of special permits to hunt deer in certain restricted areas which he shall designate. The number of special permits issued shall be determined by order or proclamation of the governor and shall be issued to those applicants who first apply for such permits, until all authorized permits have been issued. A big game hunting license or special permit shall not be sold to, or purchased for, any person under the age of fourteen years. This age limitation does not apply to applicants for big game licenses for hunting by bow and arrow.

Each violation of this section shall be a distinct and separate offense.

20.1-03-12. SCHEDULE OF FEES FOR LICENSES AND PERMITS.) The various license and permit fees shall be as follows:

1. For a resident small game hunting license, three dollars.
2. For a nonresident small game hunting license, thirty-five dollars.
3. For a resident big game hunting license, seven dollars.
4. For a nonresident big game hunting license, fifty dollars, and for a nonresident bow license, twenty-five dollars.
5. For a resident fur-bearer license, three dollars.
6. For a nonresident fur-bearer license, one hundred dollars.

7. For a resident fishing license, four dollars; except that for a resident sixty-five years of age or over, the license fee shall be one dollar.
8. For a nonresident fishing license, six dollars.
9. For a nonresident short-term fishing license, two dollars.
10. For a resident family fishing license, five dollars.
11. For a nonresident nongame hunting license, fifteen dollars.
12. For resident and nonresident special permits to hunt deer in certain restricted areas, one dollar.
13. For a wild turkey permit, three dollars.
14. For an annual general game license, fifty cents.
15. For a permit to propagate and domesticate protected birds and animals, one dollar.
16. For a license to a nonresident buyer or shipper of green furs, or his agent, one hundred dollars.
17. For a license to a resident buyer or shipper of green furs, five dollars for each place of business maintained by him within this state.
18. For a license to a resident traveling agent, buyer, or shipper of green furs, fifteen dollars.
19. For an annual license to practice taxidermy, two dollars.
20. For a permit to ship, by a person having a resident hunting license, during the respective open seasons, not to exceed in any one season twenty-five game birds, to points within this state other than his home or to points outside of this state, twenty-five cents.
21. For a permit to make collections of protected birds and animals for scientific purposes, twenty-five cents.
22. For a permit to ship live protected birds or animals to points either within or outside this state, twenty-five cents per permit. A permit shall be attached to each shipment.
23. For a motorboat certificate of number and license, three dollars.
24. To operate watercraft used for hire, the following license fees:
 - Class 1. Each craft capable of carrying two adults of average weight, one dollar.

- Class 2. Each craft capable of carrying three adults of average weight, one dollar.
 - Class 3. Each craft capable of carrying four adults of average weight, one dollar.
 - Class 4. Each craft capable of carrying five adults of average weight, one dollar.
 - Class 5. Each craft capable of carrying up to eight adults of average weight, one dollar and fifty cents.
 - Class 6. Each craft capable of carrying up to ten adults of average weight, two dollars.
 - Class 7. Each craft capable of carrying up to fifteen adults of average weight, five dollars.
 - Class 8. Each craft capable of carrying sixteen or more adults of average weight, ten dollars.
- 25. For the taking of undesirable fish from the waters of this state pursuant to section 20.1-06-05, five dollars for each hoop-net or trap, one dollar for each setline, and five dollars for each seine of fifty feet or any fraction thereof.
 - 26. For a license to erect, have, and maintain on the ice in this state a fishhouse used or to be used to protect one while ice fishing or a dark house used or to be used for spearfishing, one dollar for each unit.
 - 27. For an annual license to peddle fish species abounding in waters of this state, one dollar.
 - 28. For an annual license to sell minnows or other live bait at wholesale, twenty-five dollars.
 - 29. For an annual license to sell minnows or other live bait at retail, five dollars.
 - 30. For an annual license to operate a private fish hatchery, twenty-five dollars.
 - 31. For a commercial frog license, fifty dollars.
 - 32. For a shooting preserve operating permit:
 - a. One hundred dollars, if the shooting preserve consists of an area of six hundred forty acres or less; or
 - b. One hundred dollars, if the shooting preserve consists of an area of more than six hundred forty acres, plus fifty cents per acre for each acre over six hundred forty acres.

The fees for these licenses and permits shall be deposited with the state treasurer and credited to the game and fish fund.

20.1-03-13. STOCKING AND PROPAGATION OF UPLAND GAME.) The department shall allocate not less than fifty thousand dollars biennially, from moneys collected under section 20.1-03-12, to the stocking and propagation of upland game.

20.1-03-14. PRACTICING TAXIDERMY FOR PAY WITHOUT A LICENSE UNLAWFUL.) No person shall practice taxidermy for pay in this state without a taxidermist's license. Each violation of this section shall be a distinct and separate offense.

20.1-03-15. TAXIDERMIST'S LICENSE - WHO TO ISSUE.) An annual license to practice taxidermy shall be issued by the commissioner upon payment of the appropriate license fee.

20.1-03-16. RECORDS REQUIRED OF LICENSED TAXIDERMISTS - CONTENTS - INSPECTION OF RECORDS AND UNMOUNTED SPECIMENS BY GAME OFFICIALS - PENALTY.) Each person having a license to practice taxidermy shall keep a record showing the name of every person who furnished him with a green or unmounted specimen, and the species of each such specimen. The licensee, upon request, shall exhibit such record and all unmounted specimens in his possession to the commissioner, the deputy commissioner, or any bonded game wardens. Anyone violating this section shall forfeit his taxidermist's license for the remainder of the year in which the violation occurred and shall be punished by a fine of not less than ten dollars nor more than twenty-five dollars.

* 20.1-03-17. ISSUANCE OF LICENSES - WHO TO ISSUE - COUNTY AUDITOR MAY APPOINT AGENTS TO RECEIVE SERVICE FEES - DISPOSITION OF PROCEEDS.) All hunting, fur-bearer, fishing, and taxidermists' licenses shall be issued by county auditors, the commissioner, deputy commissioner, and bonded game wardens. The deputy commissioner and each bonded game warden shall send the commissioner all license fees. For each license he issues, the county auditor shall collect the authorized charges and record them in his record of cash received. He shall retain, as compensation, ten cents for the issuance of each resident hunting, fishing, or fur-bearer license; one dollar for the issuance of each nonresident hunting or fur-bearer license; twenty-five cents for the issuance of each nonresident fishing license; and ten cents for the issuance of each nonresident general game license.

The county auditor may appoint agents, to distribute hunting and fishing licenses or stamps, who may charge purchasers a fifteen-cent service fee. Service fees shall be retained by the agent. The remainder of the license fees shall be returned to the county auditor, for deposit with the county treasurer, at least once each month, and not later than three days after the close of the month. Deposits are to be accompanied by a report showing the amounts received from the sale of each type of license, the amount retained, and the net amounts deposited. The county treasurer shall credit the fees so deposited to a separate account and shall hold the fees, subject to warrant for payment thereof drawn by the county auditor in favor of the commissioner. The commissioner shall deposit all license or stamp fees he receives with the state treasurer to be credited to the game and fish fund.

*NOTE: Section 20.1-03-17 was further amended by section 1 of House Bill No. 1321, chapter 208.

20.1-03-18. COUNTY AUDITORS TO FILE APPLICATIONS AND STUBS - GAME OFFICIALS MAY INSPECT FILE - RETURN OF UNUSED SUPPLIES.) Each county auditor shall keep on file all license applications he receives and all the stubs of licenses he issues. These applications and stubs may be inspected at any time by the commissioner or his duly authorized deputies and wardens. Within thirty days after the close of each open season, the auditor shall transmit to the commissioner all applications, stubs, and unused or mutilated licenses covering that open season.

20.1-03-19. WHEN REPORTS AND REMITTANCES TO BE MADE BY COUNTY AUDITORS TO THE COMMISSIONER.) Each county auditor, annually on the first day of February, May, August, and November, and within thirty days after the close of each open season, shall make a complete report of all license sales to the commissioner on forms furnished by him, accompanied by a warrant drawn on the county treasurer to cover such report.

20.1-03-20. BONDS OF COUNTY AUDITORS APPLICABLE TO DUTIES IMPOSED BY PROVISIONS OF THIS TITLE.) The official bond of each county auditor shall apply to all the duties required of him under this title, including the liability for all moneys required to be collected or received by him under this title for the issuance of licenses.

20.1-03-21. FAILURE TO TURN OVER MONEY COLLECTED UNDER PROVISIONS OF THIS TITLE UNLAWFUL - PENALTY.) Any person who fails, refuses, or neglects to turn over any moneys collected or authorized to be collected under this title, or who fails, neglects, or refuses to turn over and deliver to the commissioner all applications, stubs, and mutilated and unused licenses and permits, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars and costs of prosecution. The commissioner may take appropriate action to recover on the bond of the person so defaulting any money not turned over.

20.1-03-22. BUYING OR SHIPPING GREEN FURS; LICENSE REQUIRED - EXPIRATION OF LICENSE.) No person shall engage in the business of buying or shipping green furs in this state unless he first obtains a license from the commissioner. A license issued under this section shall expire on the first day of September following the date of its issue, and shall be issued only upon payment of the appropriate fee.

20.1-03-23. RECORDS TO BE KEPT BY LICENSED DEALERS IN GREEN FURS - REPORT TO COMMISSIONER.) Each person licensed to engage in the business of buying or shipping green furs shall keep a true and correct record of each purchase of such furs made by him. Such record shall show:

1. The date of the purchase;
2. The name and address of the seller;
3. The kind and number of furs involved in the purchase;
4. The amount of money paid to the seller for the furs purchased; and

5. Such additional information as the commissioner may require.

The information contained in such record shall be furnished to the commissioner on forms prepared by him and under such rules and regulations as he may adopt.

20.1-03-24. TRANSPORTATION OF GAME OR FISH BY RESIDENTS HAVING HUNTING, FISHING, OR FUR-BEARER LICENSES.) Any resident having a hunting, fishing, or fur-bearer license, and lawfully in possession of any big game, small game, fur-bearer, or fish, may:

1. Ship such game or fish by common carrier to his residential address; or
2. Carry such game or fish on a common carrier or other conveyance to his residential address.

20.1-03-25. TRANSPORTATION OF GAME OR FISH BY NONRESIDENTS HAVING A HUNTING, FUR-BEARER, OR FISHING LICENSE.) Any nonresident having a nonresident hunting, fur-bearer, or fishing license, and lawfully in possession of any big game, small game, fur-bearer, or fish, may:

1. Carry such game or fish with him on leaving this state.
2. Ship by common carrier, upon identifying himself by displaying his nonresident license, such game or fish, if the shipment is carried openly for content inspection and is plainly marked with a suitable tag bearing his name, address, and the number of his nonresident hunting, fishing, or fur-bearer license, and has attached to it a special shipping tag provided with the nonresident license form. The total number of such game or fish shipped in any one season shall not exceed the number he may lawfully possess.
3. Ship upland game or migratory waterfowl by common carrier, upon identifying himself by displaying his nonresident license, if the shipment is carried openly for content inspection and is plainly marked with tags issued by the commissioner. These tags must be designed so they can be used only once.

20.1-03-26. NONRESIDENTS - TAKING AND TRANSPORTING OF GAME BIRDS - LICENSE.) Subject to limitations as may be specified by law or governor's proclamation, a nonresident shall not take, kill, transport, ship, or carry from this state, more than the following prescribed number of game birds during any one calendar year:

Ducks - twenty	Geese and brant - twelve
Pheasants - sixteen	Sharp-tailed grouse - twelve
Hungarian partridge - twelve	Ruffed grouse - twelve

The number of swans, plovers, snipes, woodcocks, sage hens, quails, partridges, cranes, rails, coots, wild turkeys, and doves which

may be taken, killed, possessed, transported, or carried from this state by a nonresident shall be prescribed in the governor's proclamation.

The form of nonresident game bird license shall be prescribed by the commissioner and shall include locking seals for the number of each prescribed species of game bird. Each seal shall bear the name of the species, and a number corresponding to the number of the license.

Each nonresident licensee shall immediately affix the prescribed seal to his kill in a manner prescribed by the commissioner. Such seal shall remain attached until the game bird is consumed or removed from this state. The seal shall not be reused in any manner.

The license and unused seal shall be carried by the licensee at all times while hunting or in possession of game and shall be displayed for inspection to any game warden or peace officer.

20.1-03-27. LICENSES TO BE CARRIED ON PERSON - LICENSES TO BE SHOWN OFFICERS UPON DEMAND.) Any person holding a hunting, trapping, or fishing license required under this title shall carry such license on his person when hunting, trapping, or fishing. Upon the request or demand of the commissioner, the deputy commissioner, any game warden, or any police officer, he shall show such license immediately to the officer making the request or demand. Any person violating this section shall be guilty of a misdemeanor.

20.1-03-28. DUPLICATE LICENSES OR PERMITS.) No official issuing licenses or permits has authority to issue a duplicate license or permit to replace one which has been lost without collecting the same fee required when the original license or permit was issued.

20.1-03-29. MAKING MISREPRESENTATION IN APPLICATION FOR, OR ALTERATION IN LICENSE OR PERMIT UNLAWFUL.) No person shall make any willful misrepresentation in his application for a license or permit, or make any alteration on a license or permit already issued.

20.1-03-30. PROCESSING FEE FOR APPLICATION FOR ANTELOPE LICENSE WHEN NOT ELIGIBLE.) The fee remitted by any person who applies for a special resident antelope license when by any law or proclamation he is ineligible to apply because of any waiting period, shall be forfeited. The commissioner shall notify the applicant he is ineligible for such reason. The fees received by the department pursuant to this section shall be deposited in the state game and fish fund.

20.1-03-31. USING OR CLAIMING AS ONE'S OWN THE LICENSE OR PERMIT OF ANOTHER PERSON UNLAWFUL.) No person shall use the license or permit of another person or attempt to deceive the commissioner, the deputy commissioner, any game warden, or any police officer, by claiming such a license as his own.

SECTION 11.) Chapter 20.1-04 of the North Dakota Century Code is hereby created and enacted to read as follows:

BIRDS, REGULATIONS

20.1-04-01. GENERAL PENALTY.) Any person violating a provision of this chapter for which a penalty is not specifically provided is guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment.

20.1-04-02. GAME BIRDS PROTECTED.) No person shall hunt, take, kill, possess, convey, ship, or cause to be shipped, by common or private carrier, sell, or barter any game bird or any part thereof taken in this state, except as provided in this title.

20.1-04-03. HARMLESS WILD BIRDS PROTECTED - IMPORTED SONGBIRDS AS DOMESTIC PETS MAY BE POSSESSED AND SOLD.) No person, without a permit issued by the commissioner, shall kill, catch, take, ship, cause to be shipped, purchase, offer, or expose for sale, sell, have in his possession or under his control, any harmless wild bird, or any part thereof, irrespective of whether such harmless wild bird was captured or killed in or out of this state. Imported songbirds used and to be used as domestic pets may be bought, sold, shipped, or possessed at any time.

20.1-04-04. NESTS AND EGGS OF PROTECTED BIRDS PROTECTED.) No person, without a permit issued by the commissioner, shall take, have in his possession or under his control, or needlessly break up or destroy, or in any manner interfere with, the nest or the eggs of any kind of bird, the killing of which is prohibited.

20.1-04-05. GOLDEN EAGLE, BALD EAGLE PROTECTED.) No person shall take, kill, hunt, possess, sell, purchase, pursue, shoot at, disturb, capture, or destroy any golden eagle, bald eagle, or any nest or egg thereof, within North Dakota.

20.1-04-06. POSSESSION LIMIT OF GAME BIRDS.) No person shall possess, control, ship, transport, or store, can, or otherwise preserve, more than the number authorized in the governor's proclamation of any species of game bird mentioned in this chapter. However, properly tagged game birds legally taken out of state may be possessed, transported, or shipped in state.

20.1-04-07. GOVERNOR'S PROCLAMATION CONCERNING THE TAKING OF WILD TURKEYS.) The governor may, by proclamation, provide for a permit season to take wild turkeys in manner, number, places, and times deemed in the state's best interests. In addition to payment of the appropriate permit fee, all applicants must have a resident small game hunting license.

20.1-04-08. RED, YELLOW, OR ORANGE COLOR TO BE DISPLAYED BY HUNTERS OF WILD TURKEYS - EXCEPTION.) Every person, while hunting wild turkeys, shall wear a red, yellow, or orange cap, and shall have one hundred forty-four square inches of red, yellow, or

orange color conspicuously displayed on his back and on his chest. This section shall not apply to any person hunting wild turkeys with bow and arrow during special bow hunting seasons.

20.1-04-09. GUNS LAWFULLY USABLE IN PURSUING OR TAKING GAME BIRDS.) No firearm, except a shotgun not larger in bore than ten gauge, fired from the shoulder, shall be used to hunt or pursue game birds. No person shall use a rifle, pistol, or ball cartridge to hunt or pursue game birds, or to raise or drive game birds from their resting or feeding places, or from any waters of this state.

20.1-04-10. SHELL HOLDING CAPACITY OF SHOTGUNS USED IN TAKING GAME BIRDS RESTRICTED - PLUGS AUTHORIZED.) Any automatic or repeating shotgun authorized for the taking of game birds shall not be capable of holding more than three shells. A one-piece metal or wooden plug may be used to reduce the shell holding capacity if such plug is incapable of being removed through the loading end of the shotgun.

20.1-04-11. BLINDS, BOATS, AND DECOYS LAWFULLY USABLE IN TAKING DUCKS AND GEESE.) Wild ducks and geese may be taken:

1. In the open or from a stationary natural or artificial blind or other place of concealment on land or water, except a sinkbox.
2. From a floating craft, excluding a sinkbox, if such craft is beached, or fastened within or tied immediately alongside any type of fixed hunting blind; or from such craft resting at anchor if authorized by governor's proclamation.
3. With the aid of artificial decoys. The use, directly or indirectly, of live duck or goose decoys is not permitted.

A motorboat, sailboat, or other craft may be used to pick up dead or injured birds.

20.1-04-12. WHEN BIRD DOGS NOT TO BE TRAINED OR PERMITTED TO RUN LOOSE - RETRIEVERS MAY BE USED.) No person, between April first and July fourteenth of each year, both dates inclusive, shall train or run any dog, known as a "bird dog", including pointers, setters, or droppers, or allow any such dog to run loose on land where game birds may be found. This section shall not prohibit the use of dogs for retrieving water birds or upland game birds during the respective open season.

20.1-04-13. WHEN HARMFUL WILD BIRDS MAY BE KILLED.) Any person may kill any harmful wild bird in this state during daylight hours.

SECTION 12.) Chapter 20.1-05 of the North Dakota Century Code is hereby created and enacted to read as follows:

CHAPTER 20.1-05

BIG GAME ANIMALS, REGULATIONS

20.1-05-01. GENERAL PENALTY.) Any person violating a provision of this chapter for which a penalty is not specifically provided is guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment.

20.1-05-02. BIG GAME ANIMALS PROTECTED.) No person shall hunt, harass, chase, pursue, take, attempt to take, possess, transport, ship, convey by common or private carrier, sell, barter, or exchange any big game animal except as provided in this title.

20.1-05-03. SEASON FOR TAKING AND TRANSPORTING BIG GAME - BAG LIMIT.) Any person having a big game hunting license as prescribed in this title may take, kill, and transport, during the open or lawful season, one big game animal in this state. The open or lawful season on big game animals shall begin at twelve o'clock noon central standard time on any designated Friday as established by gubernatorial proclamation in accordance with this title. This section does not prohibit the transportation, shipment, or possession within this state of properly tagged big game legally taken in other states.

* 20.1-05-04. USING DOGS, HORSES, ARTIFICIAL PLATFORMS, BLINDS, AND ARTIFICIAL LIGHTS IN TAKING BIG GAME UNLAWFUL EXCEPTION.) No person, to hunt, pursue, kill, take, or attempt to take, or to aid in the hunting or taking of, any big game animal, shall:

1. Use any dog, horse, mule, or other animal, except as provided in this section.
2. Shoot from any artificial platform, scaffold, blind, or other artificial device.
3. Use any artificial light, including spotlights and automobile and motorcycle headlights.
4. Engage in the practice commonly known as shining for deer. Any person who shines any area commonly frequented by big game animals with any artificial light, between the hours of sunset and sunrise, is in violation of this section. However, any person may use a flashlight of not over two cells in the aggregate of three volts to take raccoon.

Horses and mules may be used in hunting big game if they are not used to flush or drive big game from cover or a place of rest as an aid to other hunters.

20.1-05-05. PRIMA FACIE PROOF OF HUNTING OR ATTEMPTING TO HUNT BIG GAME ANIMALS UNLAWFULLY.) Proof that a person possessing a rifle, shotgun, trap, snare, artificial light, or other implement or equipment useful in the taking or hunting of big game animals was found, between sunset and sunrise, in and about territory where big game animals are frequently and usually found, shall be prima facie evidence that he was hunting big game animals contrary to law.

* 20.1-05-06. RED, YELLOW, OR ORANGE COLOR TO BE DISPLAYED BY BIG GAME HUNTERS - EXCEPTION.) Every person, while hunting

*NOTE: Section 20.1-05-04 was further amended by section 1 of House Bill No. 1074, chapter 209.

big game, shall wear a red, yellow, or orange cap and shall have one hundred forty-four square inches of red, yellow, or orange color conspicuously displayed on his back and on his chest. This section shall not apply to any person hunting big game with bow and arrow during special bow hunting seasons.

20.1-05-07. WHEN SEALS TO BE ATTACHED TO CARCASSES OF BIG GAME ANIMALS - COMMISSIONER TO FURNISH SEALS.) Each person having a big game hunting license, immediately after killing a big game animal, shall affix to the animal's carcass a locking seal bearing his big game hunting license number. The locking seal shall be furnished by the commissioner with each big game hunting license issued, and shall be attached and sealed in a manner prescribed by the commissioner.

SECTION 13.) Chapter 20.1-06 of the North Dakota Century Code is hereby created and enacted to read as follows:

CHAPTER 20.1-06

FISH, FROG, AND TURTLE REGULATIONS

20.1-06-01. GENERAL PENALTY.) Any person violating a provision of this chapter for which a penalty is not specifically provided is guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment.

20.1-06-02. FISH PROTECTED.) No person shall take, attempt to take, catch, kill, or destroy any species of fish in this state except as provided in this title.

20.1-06-03. LEGAL SIZE FISH.) No person shall take, catch, kill, or have in his possession or under his control any fish smaller than that prescribed by the governor's order and proclamation. Any person catching a fish under the legal size limit shall immediately return it to the water with as little harm as possible.

20.1-06-04. POSSESSION OF SEINES, SETLINES, FISHTRAPS.) No person, except as provided in sections 20.1-06-05 and 20.1-06-06, shall set, use, or have in his possession, or transport other than by public carrier, any setnets, seines, setlines, or fishtraps. Violators shall be deemed to be in possession of a public nuisance, and the commissioner, any bonded game warden, or any peace officer shall, without warrant or process, seize the items and hold them subject to the order of a court of competent jurisdiction.

20.1-06-05. REMOVING UNDESIRABLE FISH.) The commissioner, any person authorized by him, or anyone contracting with him, may kill or take fish from waters of this state in any manner prescribed by the commissioner when in his judgment it is in the best interest of public fishing. All such fish shall be disposed of at the commissioner's discretion. Money derived from such disposal may be used to defray removal costs. Money so derived in excess of removal costs is hereby

*NOTE: Section 20.1-05-06 was further amended by section 1 of Senate Bill No. 2194, chapter 210.

appropriated to the game and fish fund. All money received and expended shall be itemized, and written records thereof shall be kept in the commissioner's office. Any person desiring to contract with the commissioner to take such fish, as determined by the commissioner, from the waters of this state, by means of not more than five hoop-nets or traps, not more than five setlines of ten hooks, or not more than one hundred feet of seine, shall be awarded the contract upon payment of the appropriate fee. These contracts shall not specify the disposition of the fish.

20.1-06-06. **ILLEGAL METHODS FOR TAKING FISH.)** No person except as provided in sections 20.1-06-04 and 20.1-06-05 shall lay, set, or use any drug, poison, lime, medicated bait, fishberries, dynamite, or other lethal or injurious substance whatever; or lay, stretch, or place any tip-up snare, trap, set, or trotline, wire string, rope, or cable of any sort in any of the waters of this state for the purpose of catching, taking, killing, or destroying any fish. However, any person may take minnows by the use of a minnow trap or dip net not exceeding twenty-four inches in diameter or thirty-six inches in depth. Except as provided in this section, dip nets may only be used as an aid in landing fish which have been legally taken by hook and line. One minnow trap per license holder, other than those holding a bait vendor's license, may be used for the purpose of taking bait minnows. Such trap shall not be larger than specified in the governor's proclamation and shall be emptied at least once every forty-eight hours.

20.1-06-07. **FISHHOUSES - LICENSE - REMOVAL.)** No person, except as provided in section 20.1-06-05, shall erect, have, or maintain on the ice in any waters of this state, a fishhouse used or to be used while ice fishing, or a dark house used or to be used for spearfishing, without first obtaining a separate license for each such unit used. Licenses shall be issued by the commissioner, for the period between December fifteenth and the end of the winter fishing season as established by the governor's proclamation or by executive order of the commissioner, upon payment of the appropriate license fee. Licenses shall be subject to the rules and regulations the commissioner may adopt governing the construction, maintenance, and use of such units. The outside of each licensed unit shall have inscribed on it, in readily distinguishable characters at least six inches high, the license number and the owner's name. Each unit shall be removed from the ice within five days after the close of the period for which the license was issued. Failure to remove a unit shall be deemed an abandonment and the commissioner is authorized to remove or destroy such abandoned units.

20.1-06-08. **SPEARFISHING FROM DARK HOUSES.)** Fish may be taken by spearing through the ice from dark houses. Spearfishing seasons, and the species which may be taken, shall be provided for by the governor's order or proclamation. The fishing license provided for in chapter 20.1-03 shall include the privilege of such spearfishing. All dark houses shall be licensed pursuant to section 20.1-06-07.

20.1-06-09. **DEPOSIT OF REFUSE IN FISHING WATERS.)** No person, except as provided in section 20.1-06-05, shall deposit any refuse or other matter which may prove harmful to fish or fish eggs, in waters wherein the state or federal government has deposited, or may deposit, fish, fish eggs, or fry, or in which fish naturally abound, except as municipalities are authorized to dispose of sewage.

20.1-06-10. COMMERCIAL SALES OF FISH.) No sale, barter, or trading of fish abounding in any waters of this state shall be legal except that:

1. Persons authorized by section 20.1-06-05 may sell fish as directed by the commissioner.
2. Any person, firm, or corporation peddling fish may do so only after obtaining a license issued by the commissioner upon payment of the required annual fee. Such person, firm, or corporation shall keep a full and complete record of the source of such fish as prescribed by the commissioner.
3. Any person, firm, or corporation operating a permanently located wholesale fish market, jobbing house, or other place for the wholesale marketing of fish, or a grocery store or retail fish market, may sell fish from its permanent location without obtaining a license, but must keep records of purchases.
4. Any person operating a private fish hatchery may sell fish owned or raised for market or for stocking waters.

20.1-06-11. FISH LEGALLY TAKEN OUT OF STATE.) Fish abounding in the waters of this state, and legally caught out of state, may be possessed, transported, or shipped in state. Evidence they have been legally caught shall accompany such fish. This does not apply to persons, firms, or corporations that peddle such fish or sell them from a permanently located wholesale fish market, jobbing house, or other place for the wholesale marketing of fish, or a grocery store or retail fish market which may legally possess such fish by complying with section 20.1-06-10.

20.1-06-12. REGULATIONS GOVERNING PRIVATE FISH HATCHERIES.) Any person operating a private fish hatchery shall not be subject to fishing seasons, limits, legal size restrictions, or other methods of taking fish as provided in any governor's proclamation. The commissioner is hereby authorized to promulgate rules and regulations governing the operation of private fish hatcheries. No license shall be required of any person for taking fish by angling at a licensed private fish hatchery operated in accordance with the rules and regulations of the commissioner. The hatchery operator shall furnish to each person taking such fish a written certificate in such form as the commissioner shall prescribe, giving the number and description of the fish taken and such other information as the commissioner requires, whereupon such fish may be possessed, shipped, or transported within the state in like manner as fish taken by residents under a license. The commissioner shall issue an annual license to operate said hatchery during a calendar year or a portion of a year upon application and payment of the appropriate fee by the owner or operator. Such license may be suspended for noncompliance with the commissioner's regulations.

20.1-06-13. PROPERTY RIGHTS - FISH WILD BY NATURE.) Any person, firm, or corporation raising and owning any lawfully possessed fish, wild by nature, shall have the same property rights therein as enjoyed by owners of domestic fish. They shall, however, be subject

to all rules and regulations promulgated by the commissioner regarding the introduction and release into the state of such fish, as provided in subsection 14 of section 20.1-02-05.

20.1-06-14. MINNOW BAIT WHOLESALERS AND RETAILERS - LICENSE.) The commissioner shall adopt rules and regulations to control and supervise the operations of minnow or other live bait wholesalers. The commissioner shall issue a license to each such wholesaler when he has complied with the commissioner's rules and regulations and has paid the appropriate annual license fee. The commissioner shall also issue a minnow or other live bait retailer's license to any person upon payment of the appropriate license fee. No person shall sell minnows or other live bait at wholesale or retail without first obtaining the appropriate license. The commissioner may require each retailer or wholesaler to submit such reports as the commissioner may deem necessary.

20.1-06-15. FISHWAYS AT DAMS.) Any person owning, erecting, managing, or controlling any dam or other obstruction across any river, creek or stream within or forming the boundary of this state, at the commissioner's direction, shall construct and keep in good repair, a durable and efficient fishway in the manner, shape, and size as the commissioner may direct. Upon failure to construct or maintain such fishway, after giving such person ten days' notice, the commissioner may construct or repair the fishway and recover the costs from the person owning, erecting, managing, or controlling the dam or obstruction. No person shall construct any fishway without the approval of the commissioner.

20.1-06-16. TURTLES NOT TO BE TAKEN WITHOUT PERMIT OR CONTRACT FROM GAME AND FISH COMMISSIONER.) No person shall engage in the commercial taking, trapping, or hooking of turtles without obtaining a permit from the commissioner, who may issue such permits at his discretion. The commissioner shall designate the form of such permits, the areas or waters in which the permits are valid, and any other restrictions.

The commissioner shall have authority to contract with any person to remove turtles from any waters or areas of this state. Moneys derived from the sale of turtle permits or turtle removal contracts shall be credited to the game and fish fund in the same manner as income from sale of fishing licenses.

20.1-06-17. FROGS - SEASON FOR TAKING - REGULATIONS.) No person shall willfully take, catch, or kill any frog, except for angling purposes or biological classroom study within North Dakota, unless he first obtains a commercial frog license from the commissioner. The commissioner shall issue regulations relating to manner of taking, shipping, buying, or selling and may require reports from each licensee at such time and of such information as deemed necessary.

SECTION 14.) Chapter 20.1-07 of the North Dakota Century Code is hereby created and enacted to read as follows:

FUR-BEARING ANIMALS, REGULATIONS

20.1-07-01. GENERAL PENALTY.) Any person violating a provision of this chapter for which a penalty is not specifically provided is guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment.

20.1-07-02. PROPERTY RIGHTS - WILD FUR-BEARING ANIMALS.) Any person, firm, or corporation raising and owning any protected fur-bearing animal, or in possession of the pelt of any wild animal lawfully obtained, shall have the same property rights therein as enjoyed by owners of domestic animals. They shall, however, be subject to all rules and regulations promulgated by the commissioner in regard to the introduction and release into the state of such animals, as provided in subsection 14 of section 20.1-02-05.

20.1-07-03. FUR-BEARING ANIMALS WHICH ARE PROTECTED NOT TO BE TAKEN OR DISTURBED DURING CLOSED SEASONS.) No person shall hunt, shoot, trap, or take, in this state, any mink, muskrats, or weasels, except during the open or lawful season thereon as established under sections 20.1-07-04 or 20.1-08-02. The governor may, by proclamation, place beavers, raccoons, badgers, foxes, wolves, and coyotes on the protected list of fur-bearing animals at any time, and may keep such fur-bearers on the protected list for as long as he may deem reasonable and necessary. If such fur-bearers are placed on the protective list, the governor may, by proclamation, prescribe the area, manner, and number that may be hunted, trapped, shot, or taken.

20.1-07-04. DEPREDATING FUR-BEARING ANIMALS - DESTRUCTION AND DISPOSITION.) A landowner or tenant may destroy any wild fur-bearing animal which is committing depredations upon his poultry, domestic animals, or crops, but he shall not commercialize in, sell, or ship the pelt or any part of such animal caught or killed during the closed season.

20.1-07-05. MANNER OF TAKING PROTECTED FUR-BEARING ANIMALS RESTRICTED - DESTRUCTION OF PROPERTY OF OTHERS UNLAWFUL.) It shall be unlawful to molest or destroy the natural burrow, den, or retreat of any protected fur-bearer, or to damage or injure the property of another while taking or attempting to take such fur-bearer. The governor, at the advice of the commissioner, may by proclamation determine the manner in which fur-bearing animals may be taken in accordance with this section.

20.1-07-06. UNLAWFUL POSSESSION OF FUR-BEARERS - EACH VIOLATION IS A DISTINCT OFFENSE.) No person shall unlawfully:

1. Kill, take, attempt to take, possess, transport, accept for transportation, buy, sell, offer for sale, barter, or otherwise dispose of any fur-bearing animal or any part thereof.
2. Take or attempt to take any fur-bearer outside a regularly prescribed season or without a license or as provided in section 20.1-07-04, or violate any of this chapter.

Each violation shall constitute a distinct and separate offense.

SECTION 15.) Chapter 20.1-08 of the North Dakota Century Code is hereby created and enacted to read as follows:

CHAPTER 20.1-08

ORDERS AND PROCLAMATIONS OF GOVERNOR

20.1-08-01. ORDERS AND PROCLAMATIONS HAVE FORCE OF LAW - PENALTY.) Any order or proclamation issued by the governor pursuant to this chapter shall have the force of law. Any person violating a provision of such order or proclamation is guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment.

20.1-08-02. GOVERNOR MAY VARY STATUTORY OPEN AND CLOSED SEASON BY ORDER OR PROCLAMATION.) Whenever the governor, after investigation and recommendation by the commissioner, finds:

1. That any species of big game, small game, fish, or fur-bearers for which an open season is provided, are in danger of depletion or extinction, or when necessary for proper protection during the propagating period, he may, by order, provide protection for such species additional to that provided by law.
2. That any species of big game, small game, or fish, have become sufficient in numbers to warrant an open season, or to be detrimental, or a nuisance to the farmers of the state, he may, by order, declare an open season thereon, or may extend the open season provided by law.
3. That any species of fur-bearing animals have become sufficient in numbers to warrant an open season or have become a menace to other species of wildlife in the state, he may, by order, declare an open season thereon, or may extend the open season provided by law.
4. That due to climatic conditions a hunting season may create a fire hazard, he may, by order, close or postpone, and reopen, any hunting season in areas where such conditions exist, upon reasonable notice through the media. The emergency closing or postponement and reopening can be accomplished without complying with section 20.1-08-05.

20.1-08-03. LIMITATIONS ON GOVERNOR'S POWERS.) The governor may not establish bag limits on upland game birds which exceed fifteen birds in the aggregate.

20.1-08-04. CONTENTS OF GOVERNOR'S ORDER OR PROCLAMATION RELATING TO THE TAKING OF BIG GAME, SMALL GAME, FISH, AND FUR-BEARERS.) A gubernatorial order or proclamation under this chapter shall prescribe, as to each species of big game, small game, fish, or fur-bearers named therein, the following:

1. In what manner they may be taken;
2. In what number they may be taken and possessed and may limit such numbers by sex;
3. In what places they may be taken; and
4. At what times they may be taken and possessed.

The governor, in his order or proclamation, may provide for the number of big game permits or licenses to be issued for the taking of each species and the manner in which such permits or licenses shall be issued. When a limited number of big game licenses are issued by lottery and the number of applicants is greater than the number of licenses to be issued, any applicant who is successful in obtaining such a license shall not be eligible to apply for a license to hunt the same species of big game for the five ensuing lottery years, except that owner operators or operators, living within the boundaries of the legal open area, shall be entitled to purchase one such license for each farmstead unit in each consecutive season.

20.1-08-05. PROCLAMATION TO BE PUBLISHED - EXCEPTIONS - PERIOD PROCLAMATION IS IN EFFECT.) Except as provided in subsection 4 of section 20.1-08-02, each order or proclamation issued by the governor pursuant to this chapter shall be published once in the official newspaper of each county affected thereby. No such order or proclamation shall take effect until after such publication.

SECTION 16.) Chapter 20.1-09 of the North Dakota Century Code is hereby created and enacted to read as follows:

CHAPTER 20.1-09

PROPAGATION OF PROTECTED BIRDS AND ANIMALS

20.1-09-01. GENERAL PENALTY.) Any person violating a provision of this chapter for which a penalty is not specifically provided is guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment.

20.1-09-02. PERMITS TO PROPAGATE AND DOMESTICATE BIRDS OR ANIMALS.) Permits to propagate and domesticate protected birds or animals may be issued by the commissioner to any North Dakota resident. These permits shall expire on December thirty-first of the year they are issued. One permit may cover several species of birds or animals, but a single permit shall not cover both birds and animals. No person shall possess any protected animal or bird for propagation purposes without first obtaining a permit.

20.1-09-03. CONTENTS OF APPLICATION FOR PERMIT TO PROPAGATE AND DOMESTICATE BIRDS OR ANIMALS.) An application for a permit to propagate and domesticate protected birds or animals shall be made upon forms furnished by the commissioner, shall be signed by the applicant, and shall state:

1. The name and address of the applicant;
2. A description of the premises where the applicant will keep the birds or animals;
3. The number and kind of birds or animals in the applicant's possession at the time of application, and whether they are wild or domesticated; and
4. Such other information as the commissioner may require.

20.1-09-04. REPORTS TO COMMISSIONER BY PERSONS HOLDING PROPAGATION PERMITS - CONTENTS OF REPORTS.) Every person holding a permit to propagate and domesticate protected birds or animals shall report to the commissioner annually, on or before December thirty-first, any increase or decrease in the number of birds or animals held under such permit during the year in which the report is made.

20.1-09-05. SALE, COLLECTION, AND TRANSPORTATION OF BIRDS, ANIMALS, AND EGGS HELD FOR PROPAGATION - COMMISSIONER'S CONSENT NECESSARY.) Protected birds or animals held for propagation and domestication under a permit may be sold or transported live for propagation purposes. Their eggs may be collected, sold, or transported during seasons the commissioner shall prescribe. All such collections, sales, and shipments shall be with the commissioner's written permission. Protected birds or animals raised in North Dakota under a propagation permit may be disposed of, with the commissioner's written permission, at times he may prescribe. The carcasses of these birds or animals may be disposed of as food when properly identified by a suitable tag or seal furnished by the commissioner.

SECTION 17.) Chapter 20.1-10 of the North Dakota Century Code is hereby created and enacted to read as follows:

CHAPTER 20.1-10

CONFISCATION

20.1-10-01. PROPERTY UNLAWFULLY TAKEN, TRANSPORTED, OR USED TO BE CONFISCATED BY CERTAIN GAME AND FISH OFFICIALS - PROCEDURE.) The commissioner, deputy commissioner, or any bonded game warden shall seize all wild birds, wild animals, or fish, or any part thereof, taken, killed, or possessed, or transported contrary to law, and shall seize all dogs, guns, seines, nets, boats, lights, automobiles, vehicles, instrumentalities, appliances, and devices unlawfully used, or held with intent to be unlawfully used, in pursuing, taking, or attempting to take, concealing, or disposing of wild birds, wild animals, or fish, or any part thereof. All property so seized shall be held subject to the order of a court of competent jurisdiction. When property is confiscated, the confiscating officer shall bring the alleged offender before a court of competent jurisdiction for the purpose of determining disposition. In event the alleged offender desires an attorney, a reasonable time shall be given to secure counsel. If it is not feasible to bring the alleged offender immediately before the court, the property shall not be seized or confiscated if the alleged offender gives a receipt to the officer assuring delivery before the court when the matter comes

up. The receipt shall contain the provisions of this section to advise the alleged offender of the law.

20.1-10-02. GAME OR FISH PACKED OR COMMINGLED WITH CONTRABAND TO BE CONFISCATED.) If two or more animals, birds, or fish, or parts thereof, are packed, stored, or contained in the same shipment, bag, or other receptacle or are otherwise commingled, and one or more has been taken in violation of this title, the entire contents shall be confiscated.

20.1-10-03. CONFISCATED PROPERTY - COURTS HAVING JURISDICTION -WHEN IT MAY BE SOLD.) A court having jurisdiction of an alleged offense against this title may order the sale of all birds, animals, or fish, or any part thereof, or other property which has been confiscated. This order may be entered only after a hearing duly had upon proper notice to the owner and after due and proper finding by the court that the property:

1. Was taken, killed, possessed, or being transported contrary to law by the person from whom it was seized.
2. Was being used in violation of this title at the time it was seized.
3. Had been used in violation of this title within six months previous to the time it was seized.

20.1-10-04. WHO TO SELL CONFISCATED PROPERTY - BILLS OF SALE - DISPOSITION OF PROCEEDS OF SALE.) All confiscated property ordered sold shall be sold by the commissioner, or by any of his bonded appointees, for the highest price obtainable. On any such sale of animals, birds, or fish, or parts thereof, the seller shall issue to each purchaser a bill of sale on forms prepared and furnished by the commissioner. The sale proceeds, after the expense of the seizure and sale is deducted, shall be remitted to the commissioner promptly by the person under whose authority and supervision the sale was made. The remittance shall be accompanied by a complete and certified report of the sale supported by proper vouchers covering all deductions made for expenses. This report shall be filed for record with the commissioner. The commissioner shall pay into the state treasury for credit to the game and fish fund all money received by him from these sales.

20.1-10-05. CONFISCATED PERISHABLE PROPERTY MAY BE SOLD WITHOUT COURT ORDER - WHO MAY SELL.) Perishable property confiscated pursuant to this chapter may be sold without a court order by the officer making the seizure for the highest price obtainable. The proceeds of such sale shall be deposited in a court of competent jurisdiction to await disposition by the court.

20.1-10-06. SEARCH WARRANTS - ISSUANCE - CONTENTS.) Whenever any person shall make a complaint to any judge having authority to issue warrants in criminal cases that he knows or has good reason to believe that any wild animal, bird, or fish, or any part thereof, taken, killed, or possessed contrary to this title, is concealed in any

particular house or place, or in the living quarters of any person, the judge shall examine such complainant on oath, reduce his complaint to writing, describing as particularly as possible the place where such wild animal, bird, or fish, or part thereof, is alleged to be concealed, and cause such written complaint to be subscribed by the complainant. If it appears to the judge there is reasonable cause to believe that the facts alleged in the complaint are true, he shall issue a warrant containing the substance of the complaint and the description of the premises. This warrant shall require the officer to whom it is directed forthwith to search such premises; to seize any wild animal, bird, or fish, or part thereof, found on such premises; and to bring them and the person in whose possession they are found, before the judge who issued the warrant, or before some other judge having jurisdiction.

20.1-10-07. PROPERTY SEIZED UNDER WARRANT - OFFICER'S RETURN TO DESCRIBE - SAFEKEEPING - DISPOSAL.) Any officer executing a warrant issued pursuant to section 20.1-10-06 shall, in his return, describe the property seized with as much particularity as possible. The seized property shall be safely kept, upon direction of the judge as long as necessary to use as evidence. If a conviction is obtained, either by trial or by plea of guilty, the seized property shall be disposed of under an order of the court before whom the prosecution was brought.

SECTION 18.) Chapter 20.1-11 of the North Dakota Century Code is hereby created and enacted to read as follows:

CHAPTER 20.1-11

GAME REFUGES AND GAME MANAGEMENT AREAS

20.1-11-01. GENERAL PENALTY.) Any person violating a provision of this chapter for which a penalty is not specifically provided is guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment.

20.1-11-02. GAME REFUGES ON PRIVATELY OWNED OR LEASED LANDS - HOW ESTABLISHED.) Any person owning, or having control by lease or otherwise, for the required time, of any lands within this state, may establish a state game refuge thereon by filing with the commissioner a written application containing:

1. The name of the owner or lessee of the lands described therein;
2. The written consent of the owner, or, if the application is made by a lessee, the written consent of both the owner and the lessee, to the establishment of a state game refuge thereon;
3. The time for which the refuge is to be established, which shall be for five years or more from the date the application is filed with the commissioner. The lease may be made renewable at the option of both parties and may be terminated

at any time by mutual consent of both parties;

4. The extent and legal description of the lands involved. The lands must be ten acres or more, but cannot exceed six sections in any one township;
5. A brief dedication of such lands to this state for the purpose of a state game refuge; and
6. A waiver by the owner, or, if the application is made by a lessee, by both the owner and lessee, of all rights of himself and members of his family to hunt, shoot, trap, or kill any game bird or protected animal on the land during the life of the dedication of the lands to this state as a state game refuge.

After such application, in due form, has been filed with the commissioner and has been accepted by him, the lands described in the application shall constitute a state game refuge for the time set forth in the application.

20.1-11-03. GAME REFUGES ON LAKES FOR MIGRATORY GAME BIRDS - HOW ESTABLISHED.) The owner or owners, lessee or lessees, of land surrounding or adjoining any lake within this state, pursuant to section 20.1-11-02, may dedicate the lake to this state for a breeding, resting, and refuge place for migratory waterfowl.

20.1-11-04. GAME REFUGES ON PUBLIC LANDS MAY BE ESTABLISHED BY COMMISSIONER - DURATION OF PUBLIC LAND REFUGES.) The commissioner may establish state game refuges on any unsold public lands of this state. Such refuge shall continue to exist until canceled by the commissioner or until the land on which it is located is sold to a private person.

20.1-11-05. ESTABLISHMENT OF STATE GAME OR FISH MANAGEMENT AREAS.) The commissioner may establish game or fish management areas upon any state-owned lands for the use and benefit of the game and fish department, or upon any publicly or privately owned land leased or given by license to the game and fish department for hunting and fishing purposes. These game or fish management areas may be opened for hunting, fishing, or trapping under chapter 20.1-08. The commissioner may establish rules and regulations concerning the use of game or fish management areas pursuant to chapter 28-32.

20.1-11-06. PUBLIC RECORD OF STATE GAME REFUGES TO BE KEPT BY COMMISSIONER - CONTENTS OF RECORD.) The commissioner shall keep a record of all state game refuges established on privately owned or leased lands or on public lands. This record shall list each state game refuge by the county in which it is located and, with reference to each refuge established on privately owned or leased lands, shall show:

1. The name of the person making the dedication;
2. The period for which it is dedicated; and

3. The legal description of the land on which it is located.

Such record shall be open to public inspection.

20.1-11-07. GAME REFUGES, GAME MANAGEMENT AREAS TO BE POSTED BY COMMISSIONER - INSCRIPTION ON SIGNS - LOCATION.) The commissioner shall post each state game refuge and game management area with sign boards bearing the words "state game refuge" or "state game management area". These signs shall be located at each corner of the refuge or management area, and along the outer lines at intervals of approximately four hundred forty yards.

20.1-11-08. HUNTING AND TRAPPING WITHIN REFUGE PROHIBITED - EXCEPTION IN CASE OF CARNIVOROUS BIRDS OR ANIMALS.) The owner or lessee of any lands or lake set aside as a state game refuge under this chapter shall not hunt or carry firearms within the limits thereof, nor permit the members of his family or other persons to do so. However, if he has reason to believe there are carnivorous birds or animals within the refuge, or if he finds any of the same thereon, he may, with the commissioner's written permission, hunt, trap, and kill any carnivorous or unprotected birds and animals which prey upon protected game birds or animals found within the refuge.

20.1-11-09. WHEN PREDATORY ANIMALS ON STATE GAME REFUGES MAY BE DESTROYED BY PERSONS DESIGNATED BY COMMISSIONER.) The commissioner, with the consent of the refuge owner or lessee, may designate any game warden or other person to destroy, subject to the regulations of the commissioner, predatory birds or animals within any state game refuge.

20.1-11-10. COMMISSIONER TO MARK GAME FARMS, REFUGES, MANAGEMENT AREAS, BREEDING AND RESTING PLACES - DESTROYING OR DEFACING SIGNS UNLAWFUL.) The commissioner shall mark all game farms, state game refuges, game or fish management areas, breeding grounds, and resting places under his protection. No person shall mutilate, destroy, tear or pull down, or shoot at any such designating mark or other special or general warning sign or card.

20.1-11-11. LANDOWNER CONSENT BEFORE POSTING.) Before the department posts private land as a waterfowl rest area, it must obtain the consent, in writing, of those residents owning land to be posted.

20.1-11-12. ACQUISITION OF SCHOOL LANDS FOR WILDLIFE RESTORATION PROJECTS.) The board of university and school lands, for wildlife restoration projects, may transfer and convey to the department any state school land. A transfer and conveyance shall not exceed six hundred forty acres for any one project and shall be made in exchange for other land of equal value owned by the state for the benefit and use of the department or acquired by the department for exchange purposes.

20.1-11-13. HUNTING OR TRAPPING WITHIN REFUGE PROHIBITED - EXCEPTION.) Except as provided in sections 20.1-11-05, 20.1-11-08, and 20.1-11-09, no person shall:

1. Hunt, shoot, trap, kill, wound, take, or capture any game bird or protected animal within the limits of any state or federal game refuge or state game management area.
2. Drive any game bird or protected animal out of a state or federal game refuge or state game management area to kill or capture it.
3. Be found within the limits of any state game refuge or state game management area in possession of a firearm.

SECTION 19.) Chapter 20.1-12 of the North Dakota Century Code is hereby created and enacted to read as follows:

CHAPTER 20.1-12

PRIVATE SHOOTING PRESERVES

20.1-12-01. GENERAL PENALTY.) Any person violating a provision of this chapter for which a penalty is not specifically provided is guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment.

20.1-12-02. OPERATING PERMIT FOR SHOOTING PRESERVE.) Any person owning, holding, or controlling, by lease or otherwise, any contiguous tract of land of not more than one thousand two hundred eighty acres, who desires to establish a shooting preserve under this chapter, may apply to the commissioner for a shooting preserve operating permit. The application shall be made by the applicant, his agent, or his attorney; shall be in such form as the commissioner may prescribe; and shall be accompanied by the surety bond required by this chapter and by the appropriate operating permit fee. Acreage amounts shall include lands used for hatching, game production areas, or headquarters areas. Upon the receipt of the application, the commissioner shall inspect the area described therein, including the facilities, and shall investigate the ability of the applicant to operate an area of this character, in accordance with section 20.1-12-03. The permit, if granted, shall be issued for one year, and may be renewed annually by payment of the appropriate operating permit fee and the renewal of any surety bond that may have expired, or shall expire, before the end of the next permit term.

20.1-12-03. PREREQUISITES FOR THE ISSUANCE OF PERMITS - BONDS.) Before issuing any permit under this chapter, the commissioner shall determine that:

1. The applicant is financially able to provide the necessary facilities and services to operate a shooting preserve;
2. The applicant proposes to comply with this chapter;
3. The operation of the preserve will not work a fraud upon persons permitted to hunt thereon;

4. The operation of the preserve is not designed to circumvent game laws or regulations; and
5. The issuance of the permit will be in the public interest.

Before any permit is issued to the applicant, he must file a two thousand dollar bond to the state, executed by a surety company authorized to do business in the state, and conditioned that the applicant will comply with the provisions of this chapter and the rules and regulations promulgated by the commissioner thereunder, and will pay any fine and costs upon conviction of the permittee for violation of this chapter and all reasonable costs arising from any hearing for revocation or suspension of the permit.

20.1-12-04. TYPES OF GAME THAT MAY BE HUNTED ON SHOOTING PRESERVE - IDENTIFICATION OF GAME.) Game birds that may be stocked on a shooting preserve and hunted under this chapter shall be artificially propagated pheasants, quail, partridges, turkeys, prairie chickens, and such other species as allowed by the commissioner. The commissioner shall determine the minimum stock of each species to be hunted and released on the permit area during the shooting preserve season.

All game birds released on a shooting preserve shall be marked prior to release as prescribed by the commissioner by rule or regulation. All mallard ducks released on a shooting preserve shall have the right hind toenails clipped before the birds attain the age of four weeks.

20.1-12-05. OPERATION OF SHOOTING PRESERVE - GAME LICENSE REQUIRED - SEASON - SEARCH OF PREMISES PERMITTED.) Any guest of a shooting preserve operator, in possession of a general game license, may harvest any game bird within the defined limits of the shooting preserve, subject to this chapter. The shooting preserve operator may establish his own restrictions on the age, sex, and number of each game bird that may be taken by each guest, and the fee to be paid by each guest. The exterior boundaries of each shooting preserve shall be clearly defined and posted with signs erected around the extremity at intervals of one hundred fifty feet or less. Each shooting preserve operator and his guest shall comply with and be subject to chapter 20-01. Shooting preserve operators may restrict or set the hours during which game birds may be hunted, subject to section 20.1-01-10. The season for shooting preserves may be all or part of the seven-month period beginning September first and ending March thirty-first of the following year. All permits shall be issued upon the express condition that the permittee agrees that any law enforcement officer or any representative of the commissioner may enter and search the premises or any part thereof at any reasonable time to ensure compliance with state laws and the commissioner's rules and regulations.

20.1-12-06. GAME BIRDS TO BE TAGGED.) Each shooting preserve operator shall tag all game birds harvested by guests before the birds are consumed or removed from the shooting preserve premises. The tags shall distinguish between birds released by the shooting preserve operator, and wild birds. Tags shall be numbered consecutively, dated by year of issuance, and shall be self-sealing. The commissioner

shall provide tags to shooting preserve operators, at nominal cost to them. Once affixed, tags shall remain attached until the game birds are prepared for consumption.

20.1-12-07. GUEST REGISTER AND RECORDS TO BE MAINTAINED.) Each shooting preserve operator shall maintain a guest register listing the guest's name, his address, the number of his North Dakota general game license, the date on which he hunted, the number of game birds and species taken and their tag numbers, with wild birds and operator released birds listed separately. A record shall also be maintained by each shooting preserve operator of the source of game released in his preserve, the date of release, and the number and kind of game bird or species released. The records required by this section shall be open for inspection by the commissioner, his representative, or any law enforcement officer at any reasonable time.

20.1-12-08. RULES AND REGULATIONS TO BE PROMULGATED BY THE COMMISSIONER.) The commissioner shall promulgate rules and regulations reasonably necessary to implement this chapter.

20.1-12-09. REVOCATION OF PERMIT.) The commissioner is hereby authorized, after due notice to the shooting preserve operator and a hearing thereon, to revoke or suspend the permit of any operator for any violation of this chapter or of the rules and regulations of the commissioner.

20.1-12-10. ADMINISTRATIVE AGENCIES PRACTICE ACT TO APPLY.) The provisions of chapter 28-32, the Administrative Agencies Practice Act, shall apply to this chapter.

SECTION 20.) Chapter 20.1-13 of the North Dakota Century Code is hereby created and enacted to read as follows:

CHAPTER 20.1-13

BOATING REGULATIONS

20.1-13-01. GENERAL PENALTY.) Any person violating a provision of this chapter for which a penalty is not specifically provided is guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment.

20.1-13-02. OPERATION OF UNNUMBERED AND UNLICENSED MOTORBOATS PROHIBITED.) Every motorboat propelled by a motor having ten horsepower or more, on the waters of this state, shall be numbered and licensed as prescribed in this chapter. No person shall operate or give permission for the operation of any motorboat on such waters unless the motorboat is numbered and licensed in accordance with this chapter, with applicable federal law, or with a federally approved numbering system of another state, and unless:

1. The certificate of number awarded to such motorboat is in full force and effect; and

2. The identifying number set forth in the certificate of number is displayed on each side of the bow of such motorboat.

20.1-13-03. IDENTIFICATION NUMBER AND LICENSE.) 1. The owner of each motorboat requiring numbering and licensing by this state shall file an application for number and license with the department on forms approved by it. The application shall be signed by the owner of the motorboat and shall be accompanied by the appropriate fee. Upon receipt of the application in approved form, the department shall enter the same upon the records of its office and issue to the applicant a certificate of number and license stating the number awarded to the motorboat and the name and address of the owner. In instances where an identification number has previously been issued by the department, the same application procedure and fee shall apply for the issuance of a current license. The department shall pay all funds collected hereunder to the state treasurer who shall credit such funds to the state game and fish fund to pay for the costs of administering this chapter. The owner shall attach to each side of the bow of the motorboat the identification number and current license in such manner as may be prescribed by rules and regulations of the department in order that they may be clearly visible. The number and license shall be maintained in legible condition. The certificate of number shall be available at all times for inspection on the motorboat for which issued, whenever such motorboat is in operation.

2. The owner of any motorboat already covered by a number in full force and effect which has been awarded to it pursuant to then operative federal law or a federally approved numbering system of another state may operate the motorboat on the waters of this state for the ninety-day reciprocity period provided for in section 20.1-13-06. After the ninety-day reciprocity period has expired, such motorboats shall be subject to the numbering and licensing provisions of subsection 1 of this section.

3. Should the ownership of a motorboat change, a new application form, with the license fee prorated on a yearly basis, shall be filed with the department and a new certificate of number and license shall be awarded in the same manner as provided for in an original award of number and license.

4. In the event that an agency of the United States government shall have in force an overall system of identification numbering for motorboats within the United States, the numbering system employed pursuant to this chapter by the department shall be in conformity therewith.

5. The department may award any certificate of number or license directly or may authorize any person to act as agent for the awarding thereof. In the event that a person accepts such authorization, he may be assigned a block of numbers, certificates, and licenses which upon award, in conformity with this chapter and with any rules and regulations of the department, shall be valid as if awarded directly by the department.

6. All records of the department made or kept pursuant to this section shall be public records.

7. Every certificate of number and license awarded pursuant to this chapter shall continue in full force and effect for a period of three years unless sooner terminated or discontinued in accordance with this chapter. Certificates of number and licenses may be renewed by the owner in the same manner provided for in the initial securing of the same.

8. The department shall fix a day and month on which certificates of number and licenses due to expire during the calendar year shall lapse and no longer be of any force and effect unless renewed pursuant to this chapter.

9. The owner shall furnish the department notice of the transfer of all or any part of his interest other than the creation of a security interest in a motorboat numbered and licensed in this state pursuant to subsections 1 and 2 of this section or of the destruction or abandonment of such motorboat, within fifteen days thereof. Such transfer, destruction, or abandonment shall terminate the certificate of number and license for such motorboat except that, in the case of a transfer of a part interest which does not affect the owner's right to operate such motorboat, such transfer shall not terminate the certificate of number and license.

10. Any holder of a certificate of number and license shall notify the department within fifteen days if his address no longer conforms to the address appearing on the certificate and shall, as a part of such notification, furnish the department with his new address. The department may provide in its rules and regulations for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new address or for the alteration of an outstanding certificate to show the new address of the holder.

11. No number other than the number and license awarded to a motorboat or granted reciprocity pursuant to this chapter shall be painted, attached, or otherwise displayed on either side of the bow of such motorboat.

20.1-13-04. RULES AND REGULATIONS - LICENSING WATERCRAFT FOR HIRE - ANNUAL INSPECTION.) The commissioner, to promote the public safety, shall adopt rules and regulations to license watercraft used for hire, or furnished with cottages let for hire, and to prescribe the safety equipment, construction, and manner of operation of such craft. The commissioner shall provide for annual inspection of all watercraft used for hire to determine if rules and regulations governing such watercraft have been complied with, and may issue licenses to operate such watercraft. It shall be the commissioner's duty to issue, along with each license, some evidence that the craft has been inspected and conforms to the standards governing such craft. No person shall operate watercraft used for hire or furnished with cottages let for hire without a current year's license.

20.1-13-05. EQUIPMENT.) Every vessel shall have aboard:

1. One life preserver, buoyant vest, ring buoy, or buoyant cushion, of the type approved by the department, in good and serviceable condition for each person on board.

2. When in operation during hours of darkness, a light sufficient to make the motorboat's presence and location known to any and all other vessels within a reasonable distance.
3. If carrying or using any inflammable or toxic fluid in any enclosure for any purpose, and if not an entirely open motorboat, an efficient natural or mechanical ventilation system capable of removing resulting gases prior to, and during, the time such motorboat is occupied.
4. If equipped with a marine toilet or other similar device for the disposition of sewage or other wastes, only that type of marine toilet equipped with a treatment device meeting standards established by the state water pollution control board. The board shall furnish a list of the types of treatment devices currently available and considered acceptable for use with marine toilets under this subsection. No person owning or operating a vessel upon the waters of this state shall use, operate, or permit the use or operation of any marine toilet or similar device unless it is approved under this subsection. No person shall discharge into the waters of this state, directly or indirectly from a vessel, any untreated sewage or other wastes. No container of untreated sewage or other wastes shall be placed, left, discharged, or caused to be placed, left, or discharged in or near any waters of this state from a vessel in such a manner or quantity as to create a nuisance or health hazard, or pollute such waters.
5. Such additional equipment designed to promote the safety of navigation and of persons as the department may find appropriate and for which it has provided in its rules and regulations.
6. No person shall operate or give permission for the operation of a vessel which is not equipped as required by this section or modification thereof.

20.1-13-06. EXEMPTION FROM NUMBERING PROVISIONS OF THIS CHAPTER.) A motorboat shall not be required to be numbered under this chapter if it is:

1. Already covered by a number, in full force and effect, awarded it pursuant to federal law or a federally approved numbering system of another state, provided such boat has not been within this state for more than ninety consecutive days.
2. A motorboat from a foreign country temporarily using the waters of this state.
3. A motorboat owned by the United States, a state, or a subdivision thereof.
4. A ship's lifeboat.
5. A motorboat belonging to a class of boats exempted from numbering by the department after said agency has found that the

numbering of motorboats of such class will not materially aid in their identification; and, if an agency of the federal government has a numbering system applicable to the class of motorboats to which the motorboat in question belongs, after the department has further found that the motorboat would also be exempt from numbering if it were subject to the federal law.

20.1-13-07. PROHIBITED OPERATION.) No person shall operate any motorboat or vessel, or manipulate any water skis, surfboard, or similar device in a reckless or negligent manner so as to endanger the life, limb, or property of any person.

No person shall operate any motorboat or vessel, or manipulate any water skis, surfboard, or similar device while intoxicated or under the influence of any narcotic drug, barbiturate, or marijuana.

20.1-13-08. COLLISIONS, ACCIDENTS, AND CASUALTIES.) It shall be the duty of the operator of a vessel involved in a collision, accident, or other casualty, so far as he can do so without serious danger to his own vessel, crew, and passengers, to render to other persons affected by the collision, accident, or other casualty such assistance as may be practicable and necessary to save them from or minimize any danger caused by the collision, accident, or other casualty. He shall also give his name, address, and vessel identification in writing to any person injured and to the owner of any property damaged in the collision, accident, or other casualty.

In the case of collision, accident, or other casualty involving a vessel, the operator thereof, if the collision, accident, or other casualty results in death or injury to a person or damage to property in excess of one hundred dollars, shall file with the department a full description of the collision, accident, or other casualty, including such information as said agency may, by regulation, require.

20.1-13-09. TRANSMITTAL OF INFORMATION.) In accordance with any request duly made by an authorized official or agency of the United States, any information compiled or otherwise available to the department pursuant to section 20.1-13-08 shall be transmitted to said official or agency.

20.1-13-10. WATER SKIS AND SURFBOARD.) 1. No person shall manipulate any water skis, surfboard, or similar device without wearing a life preserver approved by the department.

2. No person shall operate a vessel on any waters of this state towing a person or persons on water skis, a surfboard, or similar device, nor shall any person engage in water skiing, surfboarding, or similar activity, at any time between the hours from one hour after sunset to one hour before sunrise.

3. The provisions of subsections 1 and 2 of this section do not apply to a performer engaged in a professional exhibition or a person or persons engaged in an activity authorized under section 20.1-13-11.

4. No person shall operate or manipulate any vessel, tow rope, or other device by which the direction or location of water skis, a surfboard, or similar device may be affected or controlled in such a way as to cause the water skis, surfboard, or similar device, or any person thereon, to collide with or strike against any object or person.

20.1-13-11. REGATTAS, RACES, MARINE PARADES, TOURNAMENTS, OR EXHIBITIONS.) 1. The department may authorize the holding of regattas, motorboat, or other boat races, marine parades, tournaments, or exhibitions on any waters of this state. It shall adopt and may, from time to time, amend regulations concerning the safety of motorboats and other vessels and persons thereon, either observers or participants. Whenever a regatta, motorboat, or other boat race, marine parade, tournament, or exhibition is proposed to be held, the person in charge thereof, shall, at least ten days prior thereto, file an application with the department for permission to hold the same. The application shall set forth the date, time, and location where it is proposed to be held, and it shall not be conducted without authorization of the department in writing.

2. The provisions of this section shall not exempt any person from compliance with applicable federal law or regulation, and do not require the securing of a state permit pursuant to this section if a permit therefor has been obtained from an authorized agency of the United States.

20.1-13-12. LOCAL REGULATION PROHIBITED.) 1. The provisions of this chapter, and of other applicable state laws, shall govern the operation, equipment, numbering, and all other matters relating thereto whenever any vessel shall be operated on the waters of this state, or when any activity regulated by this chapter shall take place thereon. Nothing in this chapter shall prevent the adoption of any ordinance or local law relating to operation and equipment of vessels the provisions of which are identical to the provisions of this chapter, amendments thereto, or regulations issued thereunder. Such ordinances or local laws shall be operative only so long as and to the extent that they continue to be identical to provisions of this chapter, amendments thereto, or regulations issued thereunder.

2. Any subdivision of this state may, at any time, but only after public notice, make formal application to the department for special rules and regulations with reference to the operation of vessels on any waters within its territorial limits and shall set forth therein the reasons which make such special rules or regulations necessary or appropriate.

3. The department is hereby authorized to make special rules and regulations with reference to the operation of vessels on any waters within the territorial limits of any subdivision of this state.

20.1-13-13. OWNER'S CIVIL LIABILITY.) The owner of a vessel shall be liable for any injury or damage occasioned by the negligent operation of such vessel, whether such negligence consists of a violation

of state statutes, or neglecting to observe such ordinary care and such operation as the rules of the common law require. The owner shall not be liable, however, unless such vessel is being used with his or her express or implied consent. It shall be presumed that such vessel is being operated with the knowledge and consent of the owner, if at the time of the injury or damage, it is under the control of his or her spouse, father, mother, brother, sister, son, daughter, or other immediate member of the owner's family. Nothing herein relieves any other person from any liability he would otherwise have, and nothing contained herein authorizes or permits any recovery in excess of injury or damage actually incurred.

20.1-13-14. REGULATIONS - ENFORCEMENT.) Regulations may be adopted pursuant to this chapter under the Administrative Practice Act. Every game warden, sheriff's officer, or highway patrolman of this state shall have the authority to enforce the provisions of this chapter and in the exercise thereof shall have the authority to stop and board any vessel subject to this chapter.

SECTION 21. AMENDMENT.) Section 47-27-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

47-27-03. PENALTY - HUNTING LICENSE FORFEITED.) Anyone who shall violate the provisions of this chapter shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment, and, in addition, shall be civilly liable for any damages that may result, directly or indirectly, because of livestock entering or escaping through such open gate or bars. Violations of this chapter occurring while hunting are also subject to section 20.1-01-23 concerning hunting license forfeiture.

SECTION 22. REPEAL.) Title 20 and chapter 61-27 of the North Dakota Century Code are hereby repealed.

Approved March 9, 1973

CHAPTER 203

SENATE BILL NO. 2200
(Fritzell, Lee)

HARMFUL WILD BIRDS

AN ACT to amend and reenact subsection 10 of section 20.1-01-02 of the North Dakota Century Code as contained in section 8 of House Bill No. 1041, as approved by the forty-third legislative assembly, relating to the definition of harmful wild birds.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Subsection 10 of section 20.1-01-02 of the North Dakota Century Code as contained in section 8 of House Bill No. 1041, as approved by the forty-third legislative assembly, is hereby amended and reenacted to read as follows:

10. "Harmful wild birds" shall include blackbirds, magpies, crows, English sparrows, and starlings.

Approved March 19, 1973

CHAPTER 204

SENATE BILL NO. 2199
(Fritzell, Lee)

RARE AND ENDANGERED ANIMALS

AN ACT to create and enact a new subsection to section 20.1-01-02 of the North Dakota Century Code as contained in section 8 of House Bill No. 1041, as approved by the forty-third legislative assembly, relating to the definition of rare and endangered animals; and to create and enact a new subsection to section 20.1-02-05 of the North Dakota Century Code as contained in section 9 of House Bill No. 1041, as approved by the forty-third legislative assembly, relating to powers of the commissioner.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1.) A new subsection to section 20.1-01-02 of the North Dakota Century Code as contained in section 8 of House Bill No. 1041, as approved by the forty-third legislative assembly, is hereby created and enacted to read as follows:

"Rare and endangered animals" shall include wolverines, otters, martens, fishers, blackfooted ferrets, kit or swift foxes.

SECTION 2.) A new subsection to section 20.1-02-05 of the North Dakota Century Code as contained in section 9 of House Bill No. 1041, as approved by the forty-third legislative assembly, is hereby created and enacted to read as follows:

Have authority to establish rules and regulations for the preservation and management of rare and endangered animals.

Approved March 8, 1973

CHAPTER 205

SENATE BILL NO. 2295
(Thane, Nething)

GUIDES

AN ACT to create and enact a new subsection to sections 20.1-01-02, 20.1-02-05, and 20.1-03-12 of the North Dakota Century Code as contained in sections 8, 9, and 10 of House Bill No. 1041, as approved by the forty-third legislative assembly, relating to guides.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1.) A new subsection to section 20.1-01-02 of the North Dakota Century Code as contained in section 8 of House Bill No. 1041, as approved by the forty-third legislative assembly, is hereby created and enacted to read as follows:

"Guide" means any resident who provides, for compensation in excess of \$500.00 a year, personal guiding services in assisting a person or persons to hunt or take small game, big game, or fur-bearers. Nonresidents shall not be entitled to guide in this state.

SECTION 2.) A new subsection to section 20.1-02-05 of the North Dakota Century Code as contained in section 9 of House Bill No. 1041, as approved by the forty-third legislative assembly, is hereby created and enacted to read as follows:

Subject to the provisions of chapter 28-32, promulgate rules and regulations for the licensing of guides, and may require such records and reports as he shall deem necessary. The commissioner may, after due hearing as provided in chapter 28-32, revoke or refuse to renew the license of any person who violates such rules and regulations or fails to provide such records and reports.

SECTION 3.) A new subsection to section 20.1-03-12 of the North Dakota Century Code as contained in section 10 of House Bill No. 1041, as approved by the forty-third legislative assembly, is hereby created and enacted to read as follows:

For an annual license to guide, one hundred dollars.

Approved March 29, 1973

CHAPTER 206

HOUSE BILL NO. 1246
(Winkjer)

ACTIONS FOR DESTRUCTION OF GAME

AN ACT to amend and reenact section 20.1-01-03 of the North Dakota Century Code as contained in section 8 of House Bill No. 1041, as approved by the Forty-third Legislative Assembly, relating to any action for damages for destruction of game.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 20.1-01-03 of the North Dakota Century Code as contained in section 8 of House Bill No. 1041, as approved by the Forty-third Legislative Assembly, is hereby amended and reenacted to read as follows:

20.1-01-03. OWNERSHIP AND CONTROL OF GAME AND FISH IS IN THE STATE - DAMAGES.) The ownership of and title to all resident wild birds, fish, and wild animals within this state shall be in the state for the purpose of regulating the enjoyment, use, possession, disposition, and conservation thereof, and for maintaining action for damages as herein provided. Any person catching, killing, taking, trapping, or possessing any wild birds, fish, or wild animals protected by law at any time or in any manner shall be deemed to have consented that the title thereto shall remain in this state for the purpose of regulating the taking, use, possession, and disposition thereof. The state, through the office of attorney general, may institute and maintain any action for damages against any person who unlawfully causes, or has caused within this state, the death, destruction, or injury of wild birds, fish, or wild animals, except as may be authorized by law.

Approved March 28, 1973

CHAPTER 207

SENATE BILL NO. 2246
(Kautzmann)

HUNTING AND FISHING BY
MILITARY PERSONNEL

AN ACT to repeal subsection 5 of section 20.1-03-04 of the North Dakota Century Code as contained in section 10 of House Bill No. 1041, as approved by the forty-third legislative assembly, relating to hunting and fishing without a license by military personnel, during the open season in a time of war.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. REPEAL.) Subsection 5 of section 20.1-03-04 of the North Dakota Century Code as contained in section 10 of House Bill No. 1041, as approved by the forty-third legislative assembly, is hereby repealed.

Approved March 9, 1973

CHAPTER 208

HOUSE BILL NO. 1321
(Fleming)

HUNTING AND FISHING
LICENSE AGENTS' FEES

AN ACT to amend and reenact section 20.1-03-17 of the North Dakota Century Code as contained in section 10 of House Bill No. 1041 of the forty-third legislative assembly, relating to the service fee received by agents who sell hunting and fishing licenses and stamps.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 20.1-03-17 of the North Dakota Century Code as contained in section 10 of House Bill No. 1041, as approved by the forty-third legislative assembly, is hereby amended and reenacted to read as follows:

20.1-03-17. ISSUANCE OF LICENSES - WHO TO ISSUE - COUNTY AUDITOR MAY APPOINT AGENTS TO RECEIVE SERVICE FEES - DISPOSITION OF PROCEEDS.) All hunting, fur-bearer, fishing, and taxidermists' licenses shall be issued by county auditors, the commissioner, deputy commissioner, and bonded game wardens. The deputy commissioner and each bonded game warden shall send the commissioner all license fees. For each license he issues, the county auditor shall collect the authorized charges and record them in his record of cash received. He shall retain, as compensation, ten cents for the issuance of each resident hunting, fishing, or fur-bearer license; one dollar for the issuance of each nonresident hunting or fur-bearer license; twenty-five cents for the issuance of each nonresident fishing license; and ten cents for the issuance of each nonresident general game license.

The county auditor may appoint agents, to distribute hunting and fishing licenses or stamps, who may charge purchasers a service fee of twenty-five cents for each license. Service fees shall be retained by the agent. The remainder of the license fees shall be returned to the county auditor, for deposit with the county treasurer, at least once each month, and not later than three days after the close of the month. Deposits are to be accompanied by a report showing the amounts received from the sale of each type of license, the amount retained, and the net amounts deposited. The county treasurer shall credit the fees so deposited to a separate account and shall hold the fees, subject to warrant for payment thereof drawn by the county auditor in favor of the commissioner. The commissioner shall deposit all license or stamp fees he receives with the state treasurer to be credited to the game and fish fund.

Approved March 15, 1973

CHAPTER 209

HOUSE BILL NO. 1074
(K. Johnson)

USING HORSES AND MULES
IN TAKING BIG GAME

AN ACT to amend and reenact section 20.1-05-04 of the North Dakota Century Code, as contained in section 12 of House Bill No. 1041, as approved by the Forty-third Legislative Assembly, relating to the use of horses and mules in taking big game.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 20.1-05-04 of the North Dakota Century Code, as contained in section 12 of House Bill No. 1041, as approved by the Forty-third Legislative Assembly, is hereby amended and reenacted to read as follows:

20.1-05-04. USING DOGS, HORSES, ARTIFICIAL PLATFORMS, BLINDS, AND ARTIFICIAL LIGHTS IN TAKING BIG GAME UNLAWFUL.) No person, to hunt, pursue, kill, take, or attempt to take, or to aid in the hunting or taking of, any big game animal, shall:

1. Use any dog, horse, mule, or other animal.
2. Shoot from any artificial platform, scaffold, blind, or other artificial device.
3. Use any artificial light, including spotlights and automobile and motorcycle headlights.
4. Engage in the practice commonly known as shining for deer. Any person who shines any area commonly frequented by big game animals with any artificial light, between the hours of sunset and sunrise, is in violation of this section. However, any person may use a flashlight of not over two cells in the aggregate of three volts to take raccoon.

Approved March 24, 1973

CHAPTER 210

SENATE BILL NO. 2194
(Hoffner, Morgan)

COLOR OF GARMENTS WORN
BY BIG GAME HUNTERS

AN ACT to amend and reenact section 20.1-05-06 of the North Dakota Century Code as contained in section 12 of House Bill No. 1041, as approved by the forty-third legislative assembly, relating to the color of garments worn by big game hunters.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 20.1-05-06 of the North Dakota Century Code as contained in section 12 of House Bill No. 1041, as approved by the forty-third legislative assembly, is hereby amended and reenacted to read as follows:

20.1-05-06. BIG GAME HUNTERS TO WEAR DAYLIGHT FLUORESCENT ORANGE GARMENTS - EXCEPTION.) Every person, while hunting big game, shall wear a head covering and an outer garment above the waistline, both of daylight fluorescent orange color, totaling four hundred square inches or more of clothing, and both to be worn conspicuously on the person. This section shall not apply to any person hunting big game with bow and arrow during special bow hunting seasons.

Approved March 15, 1973